

HOWNICKAN

PEOPLE OF THE FIRE



Vol. 24, No. 2

Citizen Potawatomi Nation

February 2002



Celebrating our Heritage...
June 28, 29 & 30, 2002



Reunion Families:

Bruno
Darling
Hardin
Higbee
Lewis
Nadeau
Slavin
Smith



DEADLINE: JUNE 9, 2002

CITIZEN POTAWATOMI NATION REQUEST FOR BALLOT • 2002 ELECTION

To comply with the 2002 Citizen Potawatomi Nation Election Ordinance, please complete this form and return to: Potawatomi Election Committee, P.O. Box 301, Tecumseh, OK 74873

NAME: _____ DATE OF BIRTH: _____

ADDRESS: _____

CITY, STATE & ZIP: _____

Under penalty of perjury, I hereby declare this to be my legal signature and Citizen Potawatomi Nation Tribal Roll Number:

SIGNATURE: _____ TRIBAL ROLL #: _____

Cut This Out & Return

ELECTION NOTICE

Candidate Filing Period
Monday, Tuesday & Wednesday,
April 1, 2 & 3
Annual Election

Saturday, June 29, 2002

Please Note: Requests for ballots must be postmarked by June 9, 2002, to be accepted.

TRIBAL TRACTS

YOUR SOCIAL SECURITY

Do You Owe Money to Uncle Sam? Better Pay Up!

By Eric McKisick

Do you have an outstanding student loan from the government — maybe a student loan? Or, did you get more money than you're entitled to from a federal agency? If you answered yes to either question and you receive Social Security benefits, Uncle Sam has figured out how to get back some of the delinquent debt that is owed to him.

Starting in March 2001, the Department of the Treasury will start to send letters to Social Security beneficiaries who owe money to the government. The letter will tell you the federal agency you are indebted to and whom to contact at that agency to answer questions you may have about the overdue debt.

Social Security can only answer general questions about Treasury's reduction of your benefit amount to collect a non-tax debt.

If you receive a letter warning you that the Treasury is going to deduct money from your Social Security benefit, you have two months to make arrangements to pay the debt. In May 2001, the Treasury will begin to deduct a maximum of 15 percent from your monthly benefit payment until you pay all the money. This affects only those beneficiaries who receive \$750 a month or more.

To arrange to pay the non-tax debt, contact the agency where you got the money.

If you don't arrange to repay the non-tax debt, the Treasury will begin to deduct money from your benefit. They will send you a letter each month that tells you the name of the collecting agency, the date and amount deducted.

In 1996, the Congress passed the Debt Collection Improvement Act to collect overdue debts to the government. The largest dollar amounts referred to the Treasury for collection are from the Department of Education (student loan debt) and the Department of Agriculture (loan debt and food stamps benefit overpayments).

There are a few non-tax debts that Treasury will not collect. They include debts owed to or collected by states and the District of Columbia and territories, including child support.



CPN Mail Bag

Dear Scholarship Committee,

Once again I would like to thank you and all those at the Citizen Potawatomi Nation for awarding me scholarship money to help pay for my college classes. The money that you have given me has truly helped in furthering my goals in college. By taking classes now while I'm still in high school I'm getting a head start on my future. Without the scholarship money it would be very hard to continue with my goals. I hope that in the future the Citizen Potawatomi Nation's scholarship money will help my college career as I plan to attend Washburn University. Thank you very much,

Sincerely

Holly Williams

Dear Scholarship Committee,

Just a note to say thank you for all that you do to help us attend college. We could not have this opportunity for education without your assistance. After our mom passed away we were greatly concerned about finances. We see this as part of God's provision to help us get our education.

Thanks so much.

Jacque & Lyndsey Loyd

Dear Scholarship Committee,

I would like to thank you for the financial help you have given me over the past five years while I obtained both of my degrees at Hesston College.

I am now a Registered Nurse and I could not have done it without your help.

Thanks so much for helping change my life in a major positive way. I greatly appreciate it!

Sincerely,

Cathy Fiedler

MULTI-REGIONAL ART COMPETITIONS

2001-2002

MULTI-REGIONAL ART COMPETITION PRIZES

\$150 FIRST PRIZE • \$100 SECOND PRIZE • \$50 THIRD PRIZE

- ALL ENROLLED CITIZEN POTAWATOMI NATION TRIBAL MEMBERS ARE ELIGIBLE TO ENTER THE MULTI-REGIONAL ART COMPETITIONS.
- ALL ENTRIES MUST BE OF AN INDIAN HERITAGE THEME
- ARTISTS OF ALL AGES ARE ENCOURAGED TO ENTER THE ART COMPETITIONS. AGE GROUPS WILL BE DIVIDED AS FOLLOWS: 6-9 YEARS OLD, 10-12 YEARS OLD, AND 13 AND UP.
- ENTRIES MUST BE THE WORK OF THE ARTIST WITHOUT ASSISTANCE AND MUST HAVE BEEN COMPLETED WITHIN TWO YEARS OF THE ART COMPETITION DATE.
- ELIGIBLE ARTISTS MUST SUBMIT THEIR ART IN THE REGION IN WHICH THEY RESIDE. IF AN ARTIST FAILS TO SUBMIT THEIR ART IN THE REGION IN WHICH THEY RESIDE, THEY ARE NOT ELIGIBLE TO ENTER ANY OTHER MULTI-REGIONAL ART COMPETITION.
- ENTRIES MUST BE SUBMITTED TO THE REGIONAL DIRECTOR OR BROUGHT TO THE REGIONAL MEETING TO BE PUT ON DISPLAY AT THE REGIONAL MEETING.
- EACH ARTIST IS LIMITED TO, BUT NOT REQUIRED TO SUBMIT (3) THREE ENTRIES.
- ONLY ONE PRIZE WILL BE PAID TO EACH CONTESTANT. A CONTESTANT THAT WINS MORE THAN ONE PRIZE WILL BE AWARDED THE HIGHER OF THE PRIZES.
- ARTISTS WHO WIN FIRST, SECOND AND THIRD PRIZES IN THE 13 AND OVER AGE CATEGORY, AT ANY MULTI-REGIONAL ART COMPETITION, MAY ADVANCE THEIR WINNING PIECE(S) OF ART TO THE GRAND PRIZE ART COMPETITION HELD IN JUNE.
- MEDIA INCLUDE: PAINTINGS, PHOTOGRAPHY, PRINTS, SCULPTURE, BEADWORK, JEWELRY, POTTERY, FABRIC ART, AND MISC.



FOR MORE INFORMATION CONTACT: DENNETTE BARE
AT 1-800-880-9880 OR CITIZEN POTAWATOMI
NATION ART COMPETITION, 1601 S. GORDON
COOPER DR., SHAWNEE, OK 74801, OR BY E-MAIL
AT DBRAND@POTAWATOMI.ORG

HOW-NI-KAN PEOPLE OF THE FIRE

The HowNiKan is published by the Business Committee of the Citizen Potawatomi Nation with offices at 1601 Gordon Cooper Drive, Shawnee, Oklahoma 74801.

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All correspondence should be directed to HowNiKan, 1601 Gordon Cooper Drive, Shawnee, Ok. 74801. Address changes should be sent to Potawatomi Tribal Rolls, 1601 Gordon Cooper Drive, Shawnee, OK 74801.

Citizen Potawatomi Nation Business Committee
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Vice Chairman - Linda Capps
Sec./Treasurer - Gene Bruno
Committeeman - Hilton Melot
Committeeman - Jerry P. Motley

Toll-Free Number: 1-800-880-9880
<http://www.potawatomi.org>

Stairway to Heaven

On the stairway to heaven,
from that cold December morn....
Are the footprints of a lady,
no longer tired and worn.

She bid farewell to loved ones,
as she sensed it's time to go....
But the pain of her absence,
is more than I could know.

How do I quiet the emptiness,
loneliness and fear?
Not hearing her voice or see her smile...
Can quickly bring a tear.

But I know she'd want me to carry on,
with courage, strength and grace,
And I know what has always nourished
me....
no one can take her place.

Her life affected many,
with her smile and gentle touch...
Always there to listen,
and never asking much.

Beyond the stairway to heaven,
is a peaceful place she'll know...
With loved ones among her,
my pain need not show.

So when it's time for me to bid farewell,
her footprints will show the way,
On the stairway to heaven...
from that cold December day.

*A tribute to my Mother By: Lois Lee (Melott) Williams
Submitted by: Mary A. Powell, sister of Lois*

TRIBAL TRACTS

Walking on

Nave

Edith Fustana (Rhodd) Nave, 88, died February 13, 2002, at her residence in Maud.

She was born January 12, 1914, in Sacred Heart to John Baptist and Adeline (Thorpe) Rhodd. She was a member of the Citizen Potawatomi Nation and the granddaughter of Alexander and Zoa (Bruno) Rhodd and Hiram and Charlotte (Vieux) Thorpe.



Edith married Hooley Allen Nave March 2, 1938, in Tulsa. She was a homemaker and worked for a tire company for 15 years and in aeronautics for 10 years.

She was a member of Sacred Heart Catholic Church, Sacred Heart Altar Society, Sacred Heart Potawatomi Organization, Sac & Fox Tribe, and Kickapoo Tribe.

She was preceded in death by her parents, two brothers, and one sister.

Survivors include a son, Allison Hooley Nave of Maud; three daughters, Carole Patricia Nave of Washington state, Marie Tredway and Arlene Rosette Bush, both of Maud; 10 grandchildren, 14 great-grandchildren; brother, Frank E. Rhodd of Konawa; five sisters, Viola Allen of Asher, Eva Jordan of Saint Louis, Clea Curley, and Charlotte Alderson, both of Maud, and Johnnie Mae Tallbear of Saint Louis.

Services were held February 16 at Sacred Heart Catholic Church with the Rev. Mathew Brown, O.S.B.m officiating. Burial followed at Sacred Heart Cemetery under the direction of Swearingen Funeral Home.

Glendening

Rose Mary (Schmidlkofer) Glendening, 68, passed away February 4, 2002. She put up a courageous battle against cancer since being diagnosed with a brain tumor last May.

Rose Mary, the youngest of 10 children, was born December 4, 1933 in Shawnee, Oklahoma, to Frank and Nellie (Tescier) Schmidlkofer. She was a member of the Citizen Potawatomi Nation and a descendent of Anthony Tescier and Clarissa Greemore.

She attended St. Benedict's School for twelve years. After completing high school, she went on to nursing school at St. Anthony's and graduated in 1953. She loved nursing and continued on at St. Anthony's working in surgery for 3 years. Then she decided it was time to marry the "love of her life," Robert (Bob) Glendening. They married on June 16,

1956. Bob's job with Southwestern Bell took them to numerous places to live, Tulsa, Kansas City, St. Louis, and New Jersey. Rosemary was a homemaker and a mother, however she missed nursing and returned to work in 1977 at Bethesda Nursing Home in St. Louis.

In 1987 they retired and moved to McCloud, Oklahoma, where she spent her time gardening, arranging flowers, decorating her home, shopping with her daughters, and caring for the grandchildren.

She was preceded in death by her parents; brothers, Frank, Vincent, and Leo; and sadly in the midst of her illness she lost her husband due to a heart attack.

Survivors include; sisters Rita Kusek, Mary Nell Everett, Sr. Theresa; brothers Bernard, Paul, and Joe Schmidlkofer; daughter and son-in-law Cynthia and Lonnie Hickson and their two children, Christine and Matthew; daughter and son-in-law Catherine and Jim Brandon and their two children, Michelle and Rachel; sons Mark Glendening, Robert Glendening and wife Laurel and their two children, Robert and Nicholas; and numerous nieces and nephews.

Rosary service was held on February 6, at Smith & Kernke Chapel. Mass of Christian Burial was held February 7 at Resurrection Memorial Cemetery Chapel. Interment followed.

Brown

Susan J. Brown, 42, Raymore, MO, passed away January 4, 2002, at her residence.

Susan was born September 30, 1959 in Sedalia, MO. She graduated from Ruskin High School in 1977 and Avila College earning a degree in computer science. Susan was employed by Butler Manufacturing where she was a computer programmer. She was a member of the Citizen Potawatomi Nation and a descendent of Rozetta Pettifer.

Susan was preceded in death by her brother, David Lee Leonard in 1958 and her grandparents, Orval and Clara Decker.

Survivors include her husband of 16 years, Randy Brown, stepchildren Shaun and Jeana, all of the home; granddaughter Destiny Wise; parents Harry and Barbara Leonard; brother, Michael Leonard and wife, Debbie and her niece, Heather, and nephew, Brandon; and many friends and neighbors.

Funeral services were January 7 at Mt. Moriah & Freeman Chapel, with entombment in Mt. Moriah Cemetery Mausoleum. Memorials may be made to the Juvenile Diabetes Foundation.

Weddle

Buck was born August 3, 1919, to Clinton Aaron and Anna Wooten Weddle

in Wanette, Oklahoma. His passing at age 82 on January 31, 2002 was the result of vehicular/pedestrian collision.

He attended a country school in Pottawatomie County, completing the 8th grade. On October 7, 1938, he and Dorothy Bowen were married in Shawnee, and they had three children: Harold, Anna, and Donnie.

Prior to joining the Armed Forces, Buck worked in the shipyards in Richmond, California. He was a combat infantryman in the 339th Infantry and Military Policeman for the U.S. Army in World War II, serving in Italy. He received numerous commendations including two Bronze Stars. Upon honorable from the Army, he joined the Shawnee Fire Department in August 1948, achieving the rank of Captain prior to his retirement from the Department in August 1969.

Buck was a versatile man of many talents, including barber, salesman, painter, and station attendant at both Fred's 66 and Holiday 66. He was proud of his involvement with the Scottish Rite Masonic Temple in which he was a 32nd degree Mason. While with the Fire Department, he lifted weights on a multi-state competitive basis. He water-skied, camped at Platt National Park, played softball, took his grandchildren to Oklahoma Sooners football games, and danced at veterans' dances. Buck was a familiar sight to his many friends on his daily walks for the past few years. He was a very active member of the Citizen Potawatomi Nation and a descendent of Frances Navarre Milot. He enjoyed Potawatomi celebrations with both old family members and newfound friends. He and Dorothy were also very active at Trinity United Methodist Church, he drove the Senior Citizen van and led singing.

Buck was preceded in death by his parents and his sister Hazel Rusche.

He shared many activities with Dorothy, his children and grandchildren, and family members Fred Rutherford and Bill White. He left a legacy of laughter, faith and integrity to his wife Dorothy, sister; Eula White of Richmond, California; brother-in-law, Pete Rusche, his children and their spouses, Harold and Nedra Weddle, Anna and Dennis Hudson, and Donnie and Gwenn Weddle; grandchildren and their spouses, Tanya and Darrin Marical, Steve Weddle, Darren Rutherford, Gena and David Hutchenson, Jennifer and Jason Lolacono, Kandi and Jeff McKee, and John Weddle; great-grandchildren, Chase Marical, Dacey Hutcheson and Olivia Lolacono; and numerous nieces and nephews.

Celebration of Buck's life was February 2 at Roesch-Walker Funeral

Home with burial in Fairview Cemetery. He was an honorable man, and he will be sorely missed.

Whisenant

Junius E. Whisenant passed away peacefully on January 26, 2002. He had been a victim of Alzheimer's for the last four years, and was a resident of ManorCare Nursing Home in Midwest City since May of 2001.

A life long resident of Choctaw, Oklahoma, he was born to Pauline (Tescier) and Max Whisenant on October 1, 1921, one of eleven children. He was a member of the Citizen Potawatomi Nation and a descendent of John and Alice Tescier.

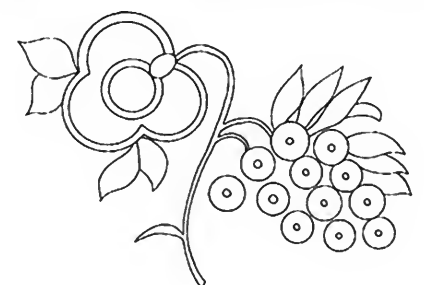
Junius was a graduate of Choctaw High School. He joined the Marine Corps in 1942 and served his country with honor by driving a tank in battles in Bougainville, Guam, and Iwo Jima. After he returned from WWII in 1946, he met and married his wife, June Hale. He served as a volunteer firefighter from the time the Choctaw Volunteer Fire Department formed in the early 1950's. He also served a term on the Choctaw Town Board, and two terms on the Choctaw School Board. A 30-year Civil Service employee, Junius retired from Tinker Field and became the full time Fire Chief of the Choctaw Fire Department in 1973 and retired after 10 years of service.

He was an avid "mall walker" and prided himself on keeping physically fit. He was known to most of the neighborhood children as "Mr. Whiz"; he was their official bicycle repairman for many years.

He was preceded in death by his wife, his parents, two siblings who died in early childhood, one brother, Wilbur, and two sisters, Agnes and Alice.

He is survived by his daughter and son-in-law, Ellen and Lyle Albright of Choctaw; two grandsons, Chris and wife, Stacey Albright of Atlanta, GA, and Matt Albright of Dallas, Texas; one great granddaughter, Haley Albright of Atlanta, GA; five sisters, Jean Maynard, Jimmie King, Maxine Hester, Nora Rainey, and Katherine Sandlin; and many nephews, nieces, and cousins. He is missed by all, but they know he is in a far better place.

Services were held January 30, 2002 at the United Methodist Church in Choctaw.



2002 CPN ELECTION ORDINANCE

BE IT ENACTED BY THE CITIZEN POTAWATOMI NATION

ARTICLE I

CITATION AND PURPOSE

S1-101: Citation

This enactment may be cited as the 2002 Election Ordinance of the Citizen Potawatomi Nation.

S2-102: Purpose

The purpose of this ordinance is to repeal the Citizen Potawatomi Nation Election Ordinance of 1983 and to establish the rules and procedures for conducting elections authorized in Article 12, Section 1 of the Tribal Constitution.

ARTICLE II

WORDS AND PHRASES

S2-101: Definitions

The following definitions shall control the meanings of the following terms:

- a. "Tribal Court" shall mean the Potawatomi Tribal Court sitting at the Potawatomi Tribal Complex in Shawnee, Oklahoma.
- b. "General Council Resolution" shall mean the official document, and its adoption by the Business Committee, by which the General Council acts on behalf of its membership under the authority reserved to it by the Tribal Constitution.
- c. "Tribe" and all derivatives thereof (e.g. "tribal") shall mean the Citizen Potawatomi Nation.

S2-102: Time Periods

Unless otherwise provided herein, all of the time periods established herein for filing, challenges, contests, or appeals are jurisdictional and cannot be waived.

ARTICLE III

ELECTION COMMITTEE

S3-101: Creation

An Election Committee is hereby created and established having the duties and powers hereinafter set forth. The Election Committee shall conduct all elections and referendum votes in accordance with the Tribal Constitution, Tribal By-laws, and with this ordinance.

S3-102: Composition

The Election Committee shall consist of five persons: Chairman, Vice-Chairman, Secretary, Assistant Secretary, and a Marshal.

S3-103: Appointment

The Business Committee shall appoint the members of the Election Committee and designate the Chairman of the Committee:

- a. On or before the first Wednesday in February.
- b. By resolution in substantially as set forth in Appendix Form 1. (Resolution Format)
- c. If a vacancy occurs on the Election Committee, the Business Committee shall fill the vacancy within five (5) days.

S3-104: Oath

Prior to entering into the duties of office, each Election Committee member shall take the following oath of office to be administered by a member of the Business Committee or a Tribal Court Judge:

I, _____, do hereby solemnly swear, or affirm, that I will support, protect and defend the Constitution and laws of the Citizen Potawatomi Nation, and will cause the elections of the Citizen Potawatomi Nation to be conducted fairly, impartially, and in accordance with the laws of the Citizen Potawatomi Nation, so help me God.

S3-105: Officer Selection

The Business Committee shall select from among the Election Committee members, a Chairman. A Vice-Chairman, Secretary, Assistant Secretary, and a Marshal shall be selected by the Election Committee, who shall certify in writing to the Business Committee the names of the persons so selected.

S3-106: Sub-Appointments

The Election Committee may appoint such observers, clerks, counters, marshals, and alternates, as necessary to conduct the election and shall certify such appointments in writing to the Business Committee.

S3-107: Filing Certifications

Copies of all certified appointments and sub-appointments shall be filed in the tribal Secretary's office and be open for public inspection.

S3-108: Eligibility

No person may be appointed to the Election Committee unless eligible and qualified.

- a. A person is eligible if:
 1. A member of the Tribe.
 2. 21 years of age or older
- b. A person is not qualified for appointment if:
 1. Under any court-ordered guardianship due to mental incapacity,
 2. The natural or adopted brother, sister, parent, child, or spouse to a current candidate,
 3. A current candidate for election to any tribal office to be decided by that election.
 4. Ever convicted of a felony,
 5. Ever convicted of a non-felonious crime involving the election laws of the Tribe, or
 6. Ever found civilly or criminally liable for breaching a fiduciary or contractual duty to the Tribe.

S3-109: Term

Each Election Committee member shall serve from appointment until the election results for all offices have been certified.

S3-110: Compensation

Members of the Election Committee are to receive only such compensation, traveling expenses, or stipend, as may be authorized by the Business Committee.

S3-111: Records

The Election Committee shall maintain complete accurate minutes of meetings and retain all documents pertaining to an election. These records shall be filed in the Tribal Secretary's office within forty-eight (48) hours after each meeting and shall be open for public inspection during normal office hours at the Potawatomi Tribal Complex.

S3-112: Duties

Each Election Committee member has the duty to become thoroughly familiar with this ordinance and the Tribal Constitution and By-Laws to see that these laws are rigorously followed, and to immediately document and report any violations to the marshal or other law enforcement personnel. In addition:

- a. Chairman: The Chairman shall be the presiding member and responsible for the overall activities of the Election Committee, including safekeeping of the ballots and ballot box(s).
- b. Vice-Chairman: The Vice-Chairman shall assist the Chairman, preside in his absence and assist in the conduct of the election.
- c. Secretary: The Secretary shall record and maintain accurate minutes of meetings and records pertaining to an election. The Secretary shall verify the authenticity of these records and be responsible for providing all Election Committee certifications except where otherwise provided herein after each Election Committee meeting. All records shall be filed with the Secretary-Treasurer of the Tribe within two (2) working days after each meeting.
- d. Assistant Secretary: The Assistant Secretary shall assist the Secretary and serve in the Secretary's absence, and assist in the conduct of the elections.
- e. Clerks: The Clerks shall assist in the conduct of the elections, and shall check off the voters on the list of qualified voters. Each clerk shall keep a separate record of the members voting which shall be cross-checked frequently by the Chairman or his designate, to insure accuracy.
- f. Marshal: The Marshal shall maintain order at the polls, and enforce the election laws. The Marshal shall have these powers from the time the polls open until declaration of all election results is final.

S3-113: Procedure

The Election Committee acts only by majority vote of a quorum at a properly called and noticed meeting.

a. Quorum. A quorum of the Election Committee shall consist of any three members.

- b. Meetings. Meetings may be called at any time by the Chairman, or by request of a majority of the Election Committee and shall notify the Secretary-Treasurer of the Tribe prior to the meeting. In the event the Chairman fails to call a meeting as requested, the other members of the Election Committee who request a meeting may convene one upon prior registered mail notification to all members of the Election Committee and Secretary-Treasurer of the tribe shall receive prior notice of all meetings.
- c. Where. All meetings shall be at the tribal office unless notice of the place and time of the meeting is conspicuously posted in the tribal office at least forty-eight (48) hours prior to the meeting.

S3-114: Rules

The Election Committee shall have the authority to recommend such rules, not inconsistent with this Ordinance, as may be necessary and proper for the conduct of tribal elections. Such rules shall be approved by the Business Committee. Copies should also be posted in prominent places in the tribal offices and such other places as the Election Committee may deem advisable. A copy of the rules should be promptly delivered to the tribal newsletter for publication.

ARTICLE IV

GENERAL ADMINISTRATION

S4-101: Election Days

All tribal elections and referendum votes, unless otherwise specifically provided by law, shall be on a Saturday. Regular elections of members of the Business Committee and Grievance Committee shall be held on the last Saturday in June of each election year. All other required tribal elections or referendum votes shall be held upon call of the Business Committee or the Election Committee as provided by the tribal Constitution and By-Laws.

S4-102: Forms

The forms contained in the Appendix of Forms are sufficient under this ordinance and are intended to indicate the simplicity and brevity of statement which this ordinance contemplates. Except as provided herein, all forms needed for tribal elections and referendum votes shall be prescribed and provided by the Election Committee. The Tribe shall be responsible for the cost of producing all forms.

S4-103: Instructions To Voters

Instructions to voters describing the manner of casting one's vote shall be posted at the polling place and issued upon request to all eligible voters with a ballot.

S4-104: Public Information

The Election Committee shall widely disseminate to the tribe information about the dates and times of election, locations of polling places and other election-related data. The Election Committee is authorized to publish in the tribal newsletter and in other newsprint media names of candidates, election dates, polling places, election results, and other information as necessary to discharge its duties.

S4-105: Polling Place

Polling places shall be designated for each election on the tribal grounds, and for absentee ballot mailing address.

S4-106: Ballot Box

Locked empty ballot box(s) shall be provided and shown at the polling places prior to voting. Each ballot box shall be constructed of substantial material and shall be equipped with a lock so that the keys of one lock will not unlock others. Each box shall be equipped with a slot or opening in the top through which a ballot may be inserted, but so the box must be unlocked before the ballots can be removed.

S4-107: Access To Ballots

The Election Committee Chairman and Secretary shall retain ballot box keys in their custody until all election results are finally certified. Only those authorized by this ordinance shall have access to the ballot boxes at specific times designated by the Election Committee.

S4-108: Voting Booths

At least two voting booths shall be provided at the polling place. The booths shall be constructed with a counter shelf so that:

- a. No more than one person is in the booth, and
- b. Voters can mark their ballots in secrecy.

S4-109: Poll Watchers

Each candidate may designate in writing one person, not a candidate, to watch the activities at the polls.

a. A Poll Watcher is eligible if:

1. A member of the Tribe.
2. 21 years of age or older.

b. A Poll Watcher is not qualified for appointment if:

1. Under any court-ordered guardianship due to mental incapacity.
2. Ever convicted of a felony.

3. Ever convicted of non-felonious crime involving the election laws of the Tribe, or
 4. Ever found civilly or criminally liable for breaching a fiduciary or contractual duty to the Tribe.
- Such designation must be presented to Election Committee Officials one week prior to the election. Poll Watchers may not interfere in any way with the conduct of the election, but may observe only. Any poll watcher interfering with the election or attempting to electioneer in any way may be ejected from the poll area by a marshal or law enforcement officer.

S4-110: Electioneering And Loitering

Continued On Next Page

2002 CPN ELECTION ORDINANCE

Continued From Previous Page

No person shall be allowed to electioneer inside or within one hundred (100) feet of the polling place where and when the election is in progress. Neither will any loitering be permitted in the polling places during voting hours. Election officials at the polling place have the duty to obtain such assistance as may be required to maintain order about the building during the progress of the election.

S4-111: Voter Conduct

No intoxicated person will be permitted in the polling place. No person will be permitted to conduct himself in such a manner which may interfere with the election progress. No person shall engage in any activity which serves as a detriment to the election progress or which inhibits the rights of another to vote.

S4-112: Anonymous Election Material

It shall be unlawful for any person, firm, corporation, partnership, organization, or association to write, print, post, or distribute or cause to be written, printed, posted or distributed a statement, circular, poster or advertisement which is designed to influence the voters on the nomination or election of a candidate or to influence the voters on any constitutional or statutory amendment or on any other issue in a Potawatomi tribal election, or to influence the vote of any member of the Business Committee or Tribal Council, unless there appears in a conspicuous place upon such circular, poster, or advertisement, either the name and address of the person, if an individual, or the name and address of the president, chairman, or secretary, or of two officers of the organization, if an organization. Persons violating this act shall be guilty of a crime punishable by the maximum incarceration and fine allowed by law.

S4-113: Application

The provisions of this section shall not be constructed to apply to any matter published in any newspaper, magazine, or journal recognized and circulating as such, which matter is published upon its own responsibility and for which it shall not charge or receive any compensation whatsoever, nor shall the provisions of this section apply to any publication issued by any legally-constituted election officials in the performance of their duties. For purposes of this provision only, a newspaper, magazine or journal is a publication which is published at intervals of either one month or less, on a continuous basis, and has been so published on said continuous basis for the six months prior to the date when ballots can first be requested by tribal members for elections of Business Committee members at the General Council. The newspaper, magazine or journal must also bear the address of the business office where the publication or legal representative is located.

S4-114: Public Disclosure Of Campaign Contributions

Each candidate for elective offices in the Citizen Potawatomi Nation shall file a public disclosure statement that identifies all persons, corporations, groups, etc., contributing in excess of \$50.00 to that individual's campaign. This disclosure must be made to the Secretary-Treasurer of the Tribe no later than four (4) weeks after the day of the election. If no contribution has been received, a statement must be filed stating so. Failure to file public disclosure under this section is punishable by a fine of \$500.00 and possible disqualification from the election if the individual falsifies or refuses to file the required reports.

S4-115: No Posting of Tribal Campaign Election Literature or signs on Tribal Property.

It shall be unlawful for any person, firm, corporation, partnership, organization or association to post election literature, material or signs on Tribal property. Posting of literature, signs or other partisan political activity strictly prohibited. The distribution of tribal campaign literature will be allowed on Election Day at the tribal polling place, subject to specifications in Section S4-110.

ARTICLE V

CHAPTER ONE — ELIGIBLE VOTERS

S5-101: Eligibility

Every tribal member 18 years of age or older in accordance with Article 5, Section 1 of the Tribal Constitution shall be eligible and entitled to vote in all tribal elections.

S5-102: Voters Lists

The Tribal Secretary shall have the duty to compile from the tribal membership rolls a voter list of all persons who will be eligible voters on the date scheduled for the election and shall certify the voter list and:

- Present a certified copy to the Election Committee no later than the first business day in March prior to the election, except for unforeseen circumstances.
- Maintain at least one certified copy in the tribal office for public inspection during regular business hours no later than the first business day in February.
- Maintain at least one certified copy at each polling place on Election Day to check the eligibility of those presenting themselves to vote.

CHAPTER TWO — CHALLENGES

S5-201: Who May Challenge

Any person may challenge the eligibility of anyone whose name appears on the voter list, or may apply to have his name added to the voter list.

S5-202: How To Challenge

A voter list challenge is initiated by filing a written petition with the Election Committee. No special form of petition shall be required although the petition shall:

- Clearly indicate the substance of the challenge,
- Specify the name, or names challenged
- Set forth the relief requested,
 - To add a name, or
 - To delete a name, and
- Include supporting evidence.

S5-203: Time For Challenge

A challenge must be initiated no later than ten (10) days after the Tribal Secretary deposits the certified voter list in the tribal office.

S5-204: Decision

The Election Committee should render a decision on a challenge within ten (10) days of filing. Failure to timely act will be considered a denial of challenge.

S5-205: Appeal

Any party aggrieved by the action or inaction of the Election Committee may thereafter appeal to Tribal Court.

S5-206: Appeal Time

An appeal must be filed within two (2) days of the de facto or de jure decision by the Election Committee.

S5-207: Appeal Parties

The individual members of the Election Committee and Business Committee shall not be named as defendants in an appeal. The tribal attorney shall represent the Election Committee and/

or Business Committee and the court shall expedite such case so as to reach a final decision prior to Election Day. No election shall be postponed because of pending voter list challenge.

ARTICLE VI

CANDIDATES

S6-101: Eligibility To File

In order to file for any office, a candidate must be eligible and qualified:

- A person is eligible if:
 - Twenty-one (21) years of age or older,
 - A member of the Tribe, and
- Physically residing within Pottawatomie, Seminole, Pontotoc, McClain, Oklahoma, Lincoln, Cleveland, and Okfuskee Counties of Oklahoma.
 - A person is not qualified if:
 - Ever convicted of a felony,
 - Ever found civilly or criminally liable for a breach of fiduciary duty to the Tribe, or
 - Ever impeached or recalled by the Tribe.

c. Each candidate for a Business Committee office in the Citizen Potawatomi Nation shall state that he or she will submit a completed personal information form to the Comptroller of the Currency as required under the Standard Change of Control application form for National Banks no later than seven (7) days after elections are held, if elected. This statement will be incorporated into the candidates filing form.

S6-102: Ballot Eligibility

To be eligible to seek election and be placed on the ballot, a person must timely file for that office.

S6-103: Filed Candidate

To be a filed candidate, one must:

- Be eligible to file,
- Timely file a declaration of candidacy with:
 - The Tribal Secretary-Treasurer or his designate, and
 - The Election Committee or their designate.
- Timely pay a filing fee of one hundred and fifty dollars (\$150.00) upon filing by guaranteed check (such as cashier's or official bank check.)

S6-104: Filing Period

A candidate must file during regular business hours 8 a.m. to 5 p.m. the first three (3) business days of April prior to the date of the election.

S6-105: Form of Declaration

Although no particular form is required, the declaration of candidacy must be by affidavit and contain sufficient information for the Election Committee to determine that the candidate is eligible to file, is seeking a particular office, and has complied with this ordinance. The declaration should be substantially as shown in Appendix Form 2.

S6-106: Nicknames

Each candidate may specify one (1) nickname to be placed on the ballot alongside the candidate's true name. No nicknames may be used if identical or substantially similar to the name or nickname of another candidate. Should a dispute over the use of a name arise, the Election Committee's decision shall be final unappealable. To specify a nickname, a candidate must affirm in the declaration of candidacy that:

- The candidate is known by the nickname, and
- The nickname is not being used for any other purpose than to accurately identify

the candidate.

S6-107: Acceptance

The Election Committee shall accept any filing by a person which, on its face, appears valid, that is, shows the candidate filing is eligible, qualified and has timely filed, and tendered the filing fee. Acceptance shall entitle the candidate to have his name appear on the ballot unless the candidate withdraws as hereinafter set forth or unless a contest to his candidacy is sustained in the manner hereinafter described.

S6-108: Certification Of Slate

As soon as practicable after the filing period closes, the Election Committee shall file a written certification of the slate of candidates for the election with the Tribal Secretary.

The certification shall also indicate all filings not accepted and the reasons for non-acceptance.

S6-109: Use of Tribal Newspaper

After filing closes, the tribal newspaper will provide an equal amount of free space in the next edition for all candidates appearing on the certified slate. The purpose of allowing the free space is to allow the candidates to identify themselves to the voters. All other space in the tribal newspaper shall be available to candidates on a fee basis established by the Business Committee to reflect publication and distribution cost only.

HowNiKan Editor shall have final approval on contents of free and paid advertisements and shall review their contents for libel, slander, and inaccuracy of facts with the tribal attorney. Deadlines for receiving advertisement copy are set by editor and published in the newspaper.

S6-110: Filing For More Than One Office Prohibited

No person shall be a candidate for more than one office during any one election, nor may a tribal office holder seek another office except when the office holder's term expires contemporaneously with the election. Each candidate must specify which office is being sought, Chairman, Vice-Chairman, Secretary-Treasurer, Councilman 1, Councilman 2, Grievance Committee 1, Grievance Committee 2 and Grievance Committee 3.

CHAPTER TWO — WITHDRAWALS

S6-201: Withdrawals

Any candidate for office may withdraw a declaration of candidacy by filing a written notice of withdrawal with the Election Committee at any time not less than sixty (60) days prior to the election. The withdrawal notice shall contain the candidate's name, the office sought, and shall be notarized or sworn to before a person authorized to administer oaths. A timely withdrawal is final.

S6-202: Procedure On Withdrawal

If a candidate withdraws, the Election Committee shall post notices to that effect at all polling places and within the voting booths, and may line through or otherwise obliterate the candidate's name from the ballot. Any votes cast for a withdrawn candidate shall be rejected.

CHAPTER THREE — CHALLENGES

S6-301: Kinds

The certified slate may be challenged either because a candidacy was allegedly wrongfully certified or because a person's attempted filing was allegedly wrongfully rejected. Any challenge to the certified slate must be made within seventy-two (72) hours after slate has been certified to be a valid challenge.

S6-302: Who May Challenge

Continued On Next Page

2002 CPN ELECTION ORDINANCE

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Any candidate may challenge the eligibility of any other candidate for the same office. If only one candidate has filed for an office, any person on the voter list may challenge the eligibility of that candidate. Only the person whose filing is not accepted may challenge the non-acceptance.

S6-303: How To Challenge

A challenge must be initiated by filing a written petition with the Election Committee. Each petition shall state with particularity the reasons for the challenge.

S6-304: Hearing

Upon receiving a candidacy challenge, the Election Committee shall immediately deliver copies to the challenged candidate and all other candidates for that office. A hearing on the challenge must be held within five (5) days of receipt of challenge. The Election Committee must render a decision on the challenge within seventy-two (72) hours of commencing a hearing. No formal pleadings are required. The Election Committee may subpoena witnesses and take testimony under oath. The challenger has the burden of proof.

CHAPTER FOUR — APPEAL

S6-401: Appeal

Any proper party to a candidacy challenge aggrieved by the Election Committee decision may appeal to the Tribal Court.

S6-402: Appeal Time

An appeal must be filed with the Tribal Court on or before the expiration of two (2) business days following announcement of the Election Committee decision.

S6-403: Relief

The appellant shall have the burden of proof. The Tribal Court shall either:

a. Affirm the Election Committee decision.

b. Reverse the Election Committee decision and depending upon which is appropriate, add or strike a candidate's name from the slate certification.

S6-404: Time For Declaration

The Tribal Court has ten (10) days to act on the appeal preceding Election Day. Failure of the Tribal Court to render a decision within twenty (20) days is an affirmation of the Election Committee's decision.

ARTICLE VII BALLOTS

S7-101: Candidate's Names

The name of any candidate for office shall be printed on the official ballot as set forth in the declaration of candidacy without any prefix, suffix, or title. A nickname may be included if properly requested. Position on ballot will be determined by order of filing for a particular office. As soon as the candidates filing period closes and period challenges expire without a timely challenge, the Election Committee will prepare a ballot. If candidacy challenge is filed, the ballot will be prepared as soon as the challenge is resolved.

S7-102: Unopposed Candidates

Any candidate who is unopposed for an office shall:

a. Appear on the ballot with the designation "unopposed" printed next to his name, and

b. On Election Day be deemed elected to that office.

S7-103: Ballot Care

Specific instructions to the voter may be printed at the top of the ballot. Ballots shall not be numbered or show any other lettering or identifiable markings, unless such markings be on a perforated "tear-off" slip to be removed prior to placing the ballot in the ballot box.

a. Only one ballot shall be cast by each eligible voter.

b. A ballot shall be cast only after the voter has signed the poll register unless voting by absentee ballot.

c. Election Committee officials shall account for all "ballots."

d. A ballot shall be issued to each eligible voter by mail or through distribution at the tribal offices, by the Election Committee.

ARTICLE VIII ABSENTEE VOTING

S8-101: Eligibility

Any voter can vote by absentee ballot.

S8-102: Application

Requests for absentee ballots may be written, printed or typed and must include the correct mailing address, roll number, and legal signature of the person making the request. These requests must be mailed to the Post Office Box designated by the Election Committee.

S8-103: When To Apply

Requests to vote an absentee ballot must be made not less than twenty (20) days prior to the election.

S8-104: Receiving Ballot and Absentee Voter List

After final certification of slate the Election Committee will have ten (10) working days to print ballots. Ballots will be mailed as soon as possible after final certification of slate and upon receipt of an appropriate and timely request. The Election Committee shall maintain an accurate written record ("Absentee Ballot List") of all ballots so issued, including the name, address, roll number, and legal signature of the voter to whom the absentee ballot was issued, and the date of the issue immediately after final certification of the slate at a timely or appropriate request.

S8-105: Voting

Those voting by absentee ballot shall mark their ballots, seal them in an inner envelope, and see that the absentee ballot is timely delivered. Only the outer envelope shall have the voter's name, return address, roll number and legal signature written upon it.

S8-106: Delivering Completed Ballot

Those wishing to vote by absentee ballot must see that their outer envelope with enclosed inner envelope and absentee ballot are delivered to the designated post office box not later than 10:00 a.m. of the last Saturday in June.

S8-107: Handling

All absentee ballots received by the Election Committee shall remain in a locked post office box provided for that purpose in Tecumseh, Oklahoma Post Office until 8:00 a.m. election day, at which time the Election Committee Chairman, or an election official designated by the Chairman, and at least one other election official.

a. Receive the ballots from the post office,

b. Personally transport them to the polling place,

c. Deliver them immediately, still sealed, to the remaining members of the Election Committee.

d. Deposit them unopened in a special locked ballot box.

e. The same procedure shall be followed at 10:00 a.m. and,

f. Tabulate them immediately upon delivery by election officials in the presence of candidate's poll watchers.

g. In the event of a large mail-in vote, the Election Committee has the option to verify (not count) the returned absentee ballots. Prior to an official meeting of the Election Committee, the procedure will involve: 1) obtaining the envelopes from the post office 2) bringing the envelopes to the court room 3) certifying the identification of the voter on the outer envelope in the presence of a poll watcher (if appointed) and a tribal police officer, and 4) returning the envelopes to the post office box.

S8-108: Procedure Mandatory

No absentee ballot will be received at any time or by other means than provided herein.

ARTICLE IX CONDUCT OF ELECTIONS CHAPTER ONE — VOTING

S9-101: Voting Period

The polls shall be opened at each polling place from 7:00 a.m. until 2:00 p.m. Saturday the day of General Council meeting. Any voter in line at the polling place at 2:00 p.m. but unable to cast a ballot before 2:00 p.m. shall be allowed to cast a vote.

S9-102: Voting

All voting is by secret ballot. Upon being identified by presenting the Citizen Potawatomi Nation tribal roll card and being on the official voter's list and not having previously received a ballot, each prospective voter shall:

a. Sign his name on a voter register, kept for that purpose, to acknowledge receipt of the ballot,

b. Be handed an unused ballot by an election official,

c. Vote in privacy, in a voting booth, by marking the box opposite the name of the candidate supported by the voter.

d. Fold the ballot so the choice cannot be seen by others, and

e. Personally deposit the ballot in the ballot box.

NOTE: The Election Committee members have the option to ask for a second form of identification, at their discretion.

S9-103: Voter Assistance

The election officials may allow a voter to obtain the assistance of any person in casting a vote if the voter is physically unable to cast a ballot and assistance, without previous suggestion, is requested. The Election Committee shall decide whether assistance may be rendered which decision shall be final and unappealable.

S9-104: Marking The Ballot

A ballot shall show only the marking of the voter's choice and shall not show more choices than the election calls for. A person may choose not to vote for any candidate for a particular office. However, if a voter marks a ballot so that the vote is apparently for more than one candidate for a single office or for a candidate not properly listed, or bearing any other such material errors, the ballot will not be counted, but will be marked by official, and retained as hereinafter provided.

S9-105: Mutilated Ballots

If a voter mutilates a ballot or renders the ballot unusable another may be obtained, and the mutilated ballot shall be folded and marked "mutilated" in ink. Each member of the Election Committee on duty at the polling place shall sign below this marking and the mutilated ballot shall be placed in a large envelope marked "mutilated ballots." The envelope containing all mutilated ballots shall be placed in the ballot box at the end of the voting.

S9-106: Unused Ballots

Ballots unused at the end of the voting shall be tied together, marked "unused" in ink, signed by at least two election officials, and placed in the ballot box at the end of the voting.

CHAPTER TWO — COUNTING THE VOTE

S9-201: The Tally

All election material shall be transported to the counting room. Thereafter, the Election Committee shall:

a. Unlock the ballot box(s),

b. Remove the regular ballots, and

c. Tabulate the vote.

S9-202: Verifying the Absentee Ballots

The Election Committee shall verify the absentee ballots. Each outer envelope shall be opened, but the inner envelope shall remain unopened at that point. The Chairman shall then determine:

a. Whether the person whose name is signed to the outer envelope and affidavit is a qualified voter,

b. Whether the voter is on the absentee ballot list.

S9-203: Counting Ballots

The Election Committee shall count the absentee ballots.

S9-204: Observing Tally

At least two election officials shall view each ballot, and each counter shall keep a separate tally of the votes cast. Each candidate may select a watcher, not a candidate, who shall not interfere with the tally process, but can observe and keep a separate record of the tally of the ballots.

S9-205: Rejection Of Ballots

If, during the tallying of the votes, the members of the Election Committee are unable to determine from a ballot the choices of a voter, the ballot shall be rejected. A rejected ballot shall be marked "rejected" in ink. Each member of the Election Committee shall sign his names below this marking. Rejected ballots shall be kept together, and placed in the ballot box at the end of the tally.

S9-206: Certified Abstract

At the close of the tally, the Election Committee members shall:

a. Open the ballot boxes and display the empty box to all persons present to insure that no ballots are contained therein,

b. Determine the total vote cast including the absentee ballots for each candidate for each office,

c. Write down these totals, together with the number of rejected ballots, spoiled ballots, unused ballots and total ballots printed,

d. Sign the written totals as a certified abstract of the election results,

e. Read the certified abstract aloud to the public,

f. Deliver copies of the certified abstract to:

1. The Business Committee

2. The Tribal Court Clerk, and

3. The Election Committee files in the tribal Secretary's Office.

S9-207: Recounts

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If the votes cast for two or more candidates (with the highest vote) is tied, or if the highest vote is larger than the next highest vote by less than 10% of the total vote cast for that office, the Election Committee shall recount the vote for that office on all the unmutated unrejected ballots, rejecting any which it is unable to determine the choice of the voter. The recounts shall continue until two consecutive counts agree, and a new abstract shall then be prepared and read aloud to the public.

S9-208: Request For Recount

Since the Election Ordinance provides for automatic recount of ballots, any request for recount of ballots must list the reasons therefore in writing and be submitted to the Election Committee Chairman, or his designated representative within two (2) working days after the election.

Such request must be accompanied by a non-refundable cashier or official check of \$250.00 and made payable to the Citizen Potawatomi Nation. Said check shall be forwarded to the tribal Secretary-Treasurer to be credited against the cost of the recount. The Election Committee shall meet and decide within five (5) days of receipt of the notice whether or not such reasons listed in the request are sufficient to cause a recount of ballots. If no recount is made, the \$250.00 is refunded.

S9-209: Run-Off Elections

A candidate for membership on the Business Committee must receive a majority of the votes in order to be elected. If the abstract shows that the highest number of votes cast for any one candidate is less than a majority of the votes cast, a run-off election shall be held within sixty (60) days between the two candidates receiving the highest number of votes cast in the general election. In the event of a tie vote between the candidates with the second highest number votes cast, three names shall be on the run-off election ballot. The Election Committee shall supervise the run-off election using the same rules and procedures followed in the general election. As soon as some candidate has received a majority of votes in the run-off election, no further run-off elections will be held.

S9-210:

Retention Of Ballots

Upon completion of the election and announcement of the certified abstract, the Election Committee shall lock all ballots and records in the ballot box and deposit the ballot box in the vault of the designated bank, post office, or other secure area as approved by the Election Committee, to be held for safekeeping until final certification of the election results and installation of all officers. Only the Chairman and Secretary of the Election Committee shall have access to these records. After installation of all officers, the Election Committee shall return all ballots and election records to the Tribal Secretary to be placed in permanent confidential tribal records for a period of five (5) years. The documents will not be available for public viewing in order to preserve the confidentiality of the persons voting in the election. From and after the date of final installation of all elected officials and after the five-year period is completed, the Tribal Secretary may remove the election ballots and records, except the final certification of successful candidates and destroy them. The final certification of election results entered by the Election Committee shall not be removed but shall be retained as a permanent public record.

S9-211: Election Certification

The Election Committee shall certify the election results for all uncontested offices immediately after the two (2) working day period for filing an election contest expires. If an election office is timely contested, then no certificate of election for contested office shall be issued until, if appropriate, after the election contest is finally decided.

S9-212: Finality

The Election Committee's certification of uncontested election results or the Election Committee's certification of the election results following an election contest provided for herein shall be final unappealable.

ARTICLE X INSTALLMENT

S10-101: Installment

In order to provide for an orderly transition of power, all newly-elected officers shown on the certificate of election shall be installed immediately following the election.

S10-102: Effect Of Installment

Once an officer is installed, removal is only by impeachment, recall or some other procedure authorized by the tribal constitution or recount certification.

S10-103: Incumbents

Consistent with Article 12, Section 1 of the Tribal Constitution, the term of an incumbent office holder shall not expire until installation of his successor.

ARTICLE XI ELECTION CONTESTS

CHAPTER ONE — ELECTION COMMITTEE REVIEW

S11-101: Who Can Contest

Only a candidate for the disputed office may contest the election results for that office.

S11-102: Grounds

Only two (2) grounds may be asserted for contesting an election. The grounds are that the Election Committee erroneously counted or failed to count ballots, which failures were of such a magnitude that:

- Either the contestant is entitled to be elected to the office, or
- It is impossible to determine with mathematical certainty which candidate is entitled to be elected to the office.

S11-103: When To Contest

Any candidate desiring to contest a tribal election for an office must do so within two (2) business days after announcement of the certified abstract of election results.

S11-104: How To Contest

A contest can only be initiated by:

- Timely filing with the Election Committee a verified statement setting forth the particular grounds for the contest, and
- Depositing \$250.00 in a guaranteed cashier's check or an official check with the Election Committee to cover costs of the hearing (if the contest is successful, the deposit shall be refunded).

S11-105: Election Committee Hearing

The Election Committee shall set a hearing of the contest no later than five (5) days after the contest is filed. Written notice of such hearing shall be mailed or delivered to each candidate for the office contested. Any party to the election protest and the Election Committee shall have the right to view the election ballots and records in the presence of the Election Committee Chairman in the tribal offices. Any party to the protest or a tribal member shall be entitled to copies of the ballots from the Court Clerk upon payment to said clerk of normal and customary charges. Said certified copies shall

be received as evidence by the Election Committee in like manner as an original. Alternatively, the Election Committee, upon request of a party or on its own motion, may convene a hearing for any protested election at the Tribal Courthouse, Shawnee Indian Agency, for the purpose of reviewing the election materials. After hearing the proofs and allegations of the contestants, the Election Committee shall make factual findings and one of the following conclusions:

- That the contested election should be confirmed, or
- The contestant should be declared the winner of the election, or
- The contested election should be set aside and a new election held.

CHAPTER TWO — APPEAL

S11-201: Appeal

Any proper party to an election contest aggrieved by the findings and decisions of the Election Committee may appeal to the Tribal Court.

S11-202: Time

An appeal must be filed within five (5) days of receipt of notification of the decision of the Election Committee.

S11-203: Parties

The Election Committee and the person whose election is challenged are indispensable parties to the appeal. Any other candidate for that office may intervene. The individual Election Committee members are not necessary or proper parties to such action. The tribal attorney shall represent the Election Committee.

S11-204: Relief

The Tribal Court whose decision is final may only:

- Confirm with Election Committee decision,
- Order a new election for the contested office, or
- Reverse the Election Committee decision and order the Election Committee

to certify the election of the contestant to the office.

S11-205: Standard

Neither the Election Committee nor the Tribal Court shall invalidate any certified abstract of election results and order a new election for an office unless clear and convincing evidence shows that the person receiving the most votes for the contested office as shown on the certified abstract cannot be mathematically determined to be the clear winner.

ARTICLE XII REFERENDUM

S12-101: General Council Resolutions

Because they relate to claims or rights growing out of treaties only, all General Council Resolutions shall be voted on in a referendum vote.

S12-102: Absentee Votes

All absentee votes shall be handled by the Committee in the same manner as that prescribed for casting tribal election ballots. All absentee ballots must be distributed at least twenty (20) days prior to any General Council Meeting and received by the Election Committee by 10:00 a.m. on the day of any General Council Meeting. These ballots will be received for counting and counted on the day of the General Council Meeting and the results certified to the Business Committee. The issues to be voted on must receive a majority vote for adoption. Results of the vote will be published in the tribal newspaper.

S12-103: Resolution Preparation

Preparation of Resolutions for referendum vote shall be by the Business Committee or by provisions provided for under Article X of the Tribal Constitution.

ARTICLE XIII SPECIAL ELECTIONS

S13-101: Election Board

When a special election is properly called, the Business Committee by resolution shall establish an independent election board to conduct the special election.

S13-102: Composition

The independent election board shall have the same composition as that of the Election Committee provided herein.

S13-103: Powers of the Election Board

The independent election board shall have the same powers and duties as set forth herein for the Election Committee and shall have such further powers as are necessary to carry out the duties imposed by the Tribal Constitution and By-Laws. Further, the independent election board will have the power to establish different time periods for filing, challenges, contests and appeals, but shall not have power to change the other substantive and procedural rules provided for herein including, by way of example only, the eligibility to vote and the eligibility and qualifications of a candidate.

ARTICLE XIV VIOLATIONS

S14-101: Misdemeanor

In addition to any other penalties (civil or criminal) provided by law, any person willfully violating the duties and obligations imposed by this ordinance is guilty of a misdemeanor and, upon conviction, may be punished up to the maximum allowed for misdemeanors.

S14-102: Venue and Jurisdiction

The venue and jurisdiction for all violations is exclusively in the Tribal Courts.

ARTICLE XV QUO WARRANTO

S15-101: What Is Quo Warranto

Quo warranto is the name of the writ by which title to an office is resolved. It is not a substitute for or an alternate to the election challenges or appeals provided herein before.

S15-102: Who May Seek

Only a person claiming a better right to the office may bring a quo warranto action.

S15-103: Who Is The Proper Party Defendant

The only proper party defendant is the person who holds title to the office.

CERTIFICATION

We, the members of the Business Committee of the Citizen Potawatomi Nation, do hereby certify that the above is a true and exact copy of the 2002 Election Ordinance of the Citizen Potawatomi Nation, as approved on the 4th day of February, 2002, with 5 voting for, 0 opposed, 0 absent, and 0 abstentions.

John A. Barrett, Jr., Chairman

Gene Bruno, Secretary/Treasurer



CITIZEN POTAWATOMI NATION COURT PROCEEDINGS

IN THE DISTRICT COURT FOR THE
CITIZEN POTAWATOMI NATION

Citizen Potawatomi Nation Business Committee,
the governing body of the tribe; and John
BARRETT, Jr., Linda CAPPS; Gene BRUNO;
Hilton MELOT; and Jerry P. MOTLEY, in
their official capacities as Members of the Citizen
Potawatomi Nation Business Committee,

Plaintiffs,

Case No.:

vs.
CIV-00-08

John A. BARRETT, Jr., Chairman, Citizen
Potawatomi Nation Business Committee,

Defendant.

JUDGMENT

Consistent with the decision of the Supreme Court, judgment is entered as hereinafter provided.

The Plaintiffs' Petition for Declaratory Judgment is dismissed.

The District Court's previous Order concerning Resolution #01-01 is vacated because the Supreme Court has decided "Since Resolution #01-01 on its face purports to do no more than discharge the Tribal administrator, the Judgment of the District Court holding that Resolution unconstitutional is REVERSED."

The Court's previous Orders concerning Resolutions #01-45 and #01-46 are withdrawn because the Supreme Court has decided, "Since Resolutions #01-45 and #01-46 were not properly before the District Court for decision, the judgment of the District Court with respect to these Resolutions of the Business Committee is vacated."

Further, the Court accepts the Supreme Court's remand of this matter.

PHIL LUJAN
CHIEF DISTRICT JUDGE

TRIBAL DRUG COURT

The key to the Citizen Potawatomi Nation Tribal Drug Court is to integrate alcohol and other drug treatment services with a justice system case processing to both Native and Non-Native participants. The CPN Tribal Drug Court is a multi-jurisdictional Court that works hand-in-hand with the Pottawatomie County Drug Court to see that all participants successfully complete their designated program. Along with being multi-jurisdictional, the Court has obtained Community Sentencing Contracts with Pottawatomie and Payne counties, allowing participants that do not reside within our jurisdiction to participate in the CPN Tribal Drug Court.

The Court is designed to take participants through four phases, The Coyote, The Bear, The Deer and The Eagle. Each phase helps the participant identify what stage of the rehabilitation he/she is in. With the completion of each phase, the participant comes closer to meeting their plan for the Court. The Citizen Potawatomi Nation Substance Abuse Department provides drug and alcohol counseling for the Native American participants. A description of each phase follows:

☛ Phase I - The Coyote. In this phase, the Coyote is symbolic of a trickster. The key to this phase is to recognize your defects. In this phase, the participant must learn that they are powerless, that their lives are unmanageable, and that they are in denial about their lives and their condition.

☛ Phase II - The Bear. In this phase, the Bear is symbolic of being resistant to all that surrounds him. The key to this phase is to recognize the conflict of power within and turn it over to "The Creator" or their "Higher Power."

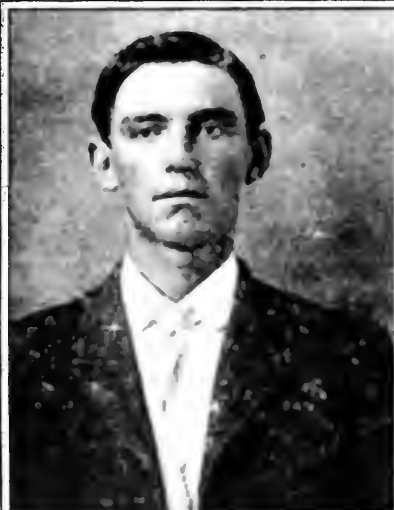
☛ Phase III - The Deer. In this phase, the Deer is symbolic, in some cultures, of medicine people. The key to this phase is to learn to form fellowships, to become gentle, swift, alert and aware of your surroundings. In this phase, participants learn to be conscious of the world in which they live.

☛ Phase IV - The Eagle. In this phase, the Eagle is symbolic of wisdom, honor and respect. The key to this phase is to learn to give back their self-dignity, honor and respect.

In the first year of operation, there were approximately forty-six participants. Currently, the CPN Drug Court has three active participants. The Pottawatomie County Drug Court has seventeen Native American participants and twenty-six Non-Native participants.

The Court is currently seeking the status of Mentor Court - this will allow other drug courts from across the United States to come to our Court and learn how all of the key components come together. The drug court team will be attending a training in San Diego, California as well as a training in Washington D.C. later this year.

For more information about the Court, please contact Vicki Lofton at 405-273-3216.



Who Are You?

Here are some more Vieux family mystery photos. If you can identify anyone, please call Mary Farrell in Tribal Rolls, 275-3121 or 1-800-880-9880





REGIONAL OFFICE DIRECTORY

REGION 1 - OREGON/IDAHO

REGION 2 - WASHINGTON

(INCLUDES ALASKA & HAWAII)

Roscoe "Rocky" Baptiste

Box 346, 11315 Wheatland Road, Gervais, OR 97026

Local (503) 792-3744 • FAX (800) 522-3744

Toll-Free (800) 522-3744

e-mail: Region01@Potawatomi.org

REGION 3 - NORTHERN CALIFORNIA

Thom Finks

135 Finley St., Auburn CA 95603

Local (530) 887-8102 • FAX (530) 887-8102

1-800-874-8585

e-mail: Region03@potawatomi.org

REGION 4 - SOUTHERN CALIFORNIA

Jeremy Bertrand Finch

203 Bellefontaine St., Pasadena, CA 91105

Local (626-796-2008 • Toll Free & Fax: 1-800-432-2008

e-mail: Region04@Potawatomi.org

REGION 5 - SOUTHWEST

(INCLUDES ARIZONA & WESTERN NEW MEXICO)

Gene Lambert

P.O. Box 5905, Mesa, AZ 85211

Local (480) 668-0509 • FAX (480) 649-7443

Toll-Free (888) 521-6220

e-mail: Region05@Potawatomi.org

REGION 6 - COLORADO

(INCLUDES MONTANA, UTAH, WYOMING,
WESTERN NEBRASKA, WESTERN KANSAS)

Cheryl DeGraff

11310 W. 46th Avenue, WheatRidge, CO 80033

1-800-627-5003 • Local 1-303-432-0255

e-mail: Region06@Potawatomi.org

REGION 7 - NORTHERN TEXAS

(INCLUDES EASTERN NEW MEXICO)

Marjorie Hobdy

3132 Kathy Lane, Irving, TX 75060

Local (972) 790-3075 • Toll-Free (800) 742-3075

e-mail: Region07@Potawatomi.org

REGION 8 - SOUTHERN TEXAS

Lu Ellis

26231 Huffsmith-Conroe Rd., Magnolia, TX 77355

Local (281) 356-7957 • Toll-Free (800) 272-7957

e-mail: Region08@Potawatomi.org

REGION 9 - MIDWEST

(INCLUDES EASTERN NEBRASKA & EASTERN KANSAS)

Mary-Ellen Vieux Clinton

P.O. Box 750587, Topeka, KS 66675-0587

Local (785) 235-0134 • Toll-Free (800) 325-6639

e-mail: Region09@Potawatomi.org

REGIONAL REPORTS

Oregon/Washington/Idaho

Bozho my friends.

It is winter in Oregon and I guess all over the United States, but I noticed the pussy willows are starting to bud out, giving us hopes for spring. I'm not sure if the ground hog saw his shadow this year or not. Maybe someone got a better look at him than I did.

Need to remind everyone that our NW Regional will be coming up in March this year. I know we told a lot of members that we would hold it in Oregon this year, since it was in Seattle last year, but Chairman Barrett has requested it be in Washington State again this year. I hope that a lot of you will be able to attend. Watch for your invitation from Shawnee with details regarding the place. If you have moved recently, please remember to update your address with the tribal rolls office in Shawnee. We will be looking forward to seeing all of you at the meeting.

February is the time of year we all think about our taxes. Thought I would give you some information on the Oregon Veterans Tax Exemption and Deferral program. If you are a

veteran, age 62 or older, there may be a way you can delay paying property taxes on your residence. The taxes plus interest and lien recording fees must be paid when the owner dies or sells the property, moves or the property changes ownership. Income limits may be adjusted each year based upon the Consumer Price Index. The requirements to qualify are age (62 or older), must have a recorded deed to the property or be buying the property under a recorded sales contract, you must live on the property and your total household income (both taxable and nontaxable) must be less than \$32,000 for the preceding year. There is also Property Tax Exemption for disabled veterans or surviving spouse of a veteran of up to \$12,750 of your homestead property's assessed value from property taxes. For this exemption you must be a war veteran who is officially certified by the VA or any branch of the US armed forces as having disabilities of 40% or more or certified each year by a licensed physician as being 40% or more disabled (however the

last qualification has an income limit). Exemptions are not automatic and you must file an application for exemptions on or before April 1 of the assessment year. The Oregon Department of Revenue can be reached at 503-378-4988 in Salem and toll-free within Oregon at 1-800-356-4222.

Also, Oregon has increased the loan limits for Oregon veterans home loans this year. In the year 1945 the maximum loan amount was \$3000.00. Now it is up to 300,700.00. To apply for eligibility, write or call the Oregon Dept. of Veterans Affairs, 700 Summer St. NE, Salem, OR 97301 or call toll-free 1-888-673-8387.

Call if I can help you in any way.

Megwich,

Rocky Baptiste



2002 Regional Council Schedule

(Revised March 2002)

Eastern United States	Feb. 16, 2002
Southwest	Feb. 23, 2002
Washington/Oregon	March 23, 2002
South Texas	April 6, 2002
Northern California	April 13, 2002
Midwest	April 20, 2002
Southern California	May 11, 2002
North Texas	May 18, 2002
Colorado	June 1, 2002

QUARTERLY BUSINESS COMMITTEE MEETING SCHEDULE

FEBRUARY 28, 2002

MAY 30, 2002

AUGUST 29, 2002

NOVEMBER - TBA

6 P.M.

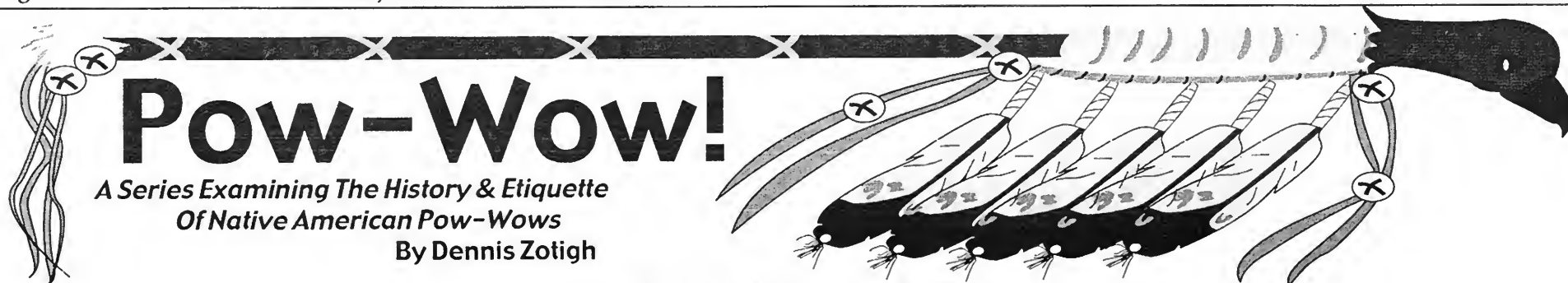
LONG ROOM

1901 GORDON

COOPER DR.

SHAWNEE

The Citizen Potawatomi Nation is divided into different "Regional Offices" to help cover the extended membership across the nation. Originally labeled merely by region names, regional boundaries were established in 1997 using the US Postal Service "3 digit" Zip code areas. Region "O" is generally considered Oklahoma while the other states that are not numbered currently do not have an official "Regional" designator.



Pow-Wow!

A Series Examining The History & Etiquette Of Native American Pow-Wows

By Dennis Zotigh

Individual Dancer Styles

The Powwow has prompted considerable changes to indigenous styles of dance and regalia. Even styles, which are deemed "Traditional", show a remarkable difference from the pre-reservation era. Of particular concern are the inter-tribal styles, which change annually. In this area, the belief that brighter, bigger and fancier seems to emulate current trends. Tribally identified styles seem less eminent to succumb to radical change.

Powwow Dances and regalia standards are set primarily by those who compete. When an unknown participant wears regalia that is authentically traditional, but not commonly or currently seen in the Powwow Arena, they are perceived with bewilderment. Some recent examples are:

- A Grass Dancer who danced through a large, fur wrapped hoop.
- A Southern Straight Dancer who wore a turban.
- A Northern Traditional Dancer who danced with rattles.

These are all elements associated with each particular dance, but have gained little head way in being accepted as a norm.

Most Powwow Dances have a rich history. But two of the most popular dances, the Men's and Women's Fancy Dance, were created during this century. Indian dancing and regalia are not static and will continue to evolve. It is almost certain that old styles of regalia and dance will be resurrected and contemporary developments will manifest to fit the times.

In order to analyze the individual dance styles of the Powwow, a category-by-category description will follow; beginning with the earliest dance expression and proceeding to the most contemporary.

NORTHERN WOMEN'S TRADITIONAL DANCE HISTORY

Dancing has always played a significant role in the social and ceremonial order of the Northern Plains culture. Women in the Plains Indian culture have always participated as dancers. Indian women's societies, where dance was an integral part of the actual ceremony, pre-date written history. The elders of each tribe can attest to old societies involving native women that are still remembered but no longer exist.

Among Men's Warrior Society Dances few if any women were allowed to participate. Those who could participate were women who had been in actual combat. These women warriors were rare exceptions to the rule. The actual role of non-women warriors was confined to cooking, singing, and spectating. If a woman was compelled to dance, she did so reverently in place, outside the Warriors' Circle. During the Victory or Scalp Dance, women were allowed to dance in a representative capacity, on behalf of a warrior relative or spouse.

When the Plains Indian Wars came to a halt, the backbone of Plains culture changed. Many societies and dances lost their purpose or were discouraged by non-Indian reservation agents. The Omaha dance was one type of dance that survived the early reservation era.

In the 1920s, with a rejuvenation of returning warriors from World War II, Sioux women danced beside their veterans in a display of honor and pride. This feeling of inclusion carried over into the Dance Circle. At first the women would dance in clockwise direction outside the circle of men dancers. At the end of a song, they would turn and dance the tail portion of

the song, facing the center. This stationary style of dancing involved "bobbing" up and down in one place. Over a series of years, the Sioux and Assiniboiné women began dancing either stationary, on the outer edge of the Dance Arena, or in a graceful walk-amongst the men. This stationary style of dancing has since become an inter-tribal expression of Northern Women's Traditional Dancing. The Plains Cree often refer to this stationary dance as "Sioux or Assiniboiné Style Dancing."

In pre-history, every article of Plains women's clothing was functional. Women were responsible for making their personal clothing and the clothing of their immediate families. Hide tanning was a skill that Plains Indian women developed into an art form. Several processes were applied to achieve a desired effect on a hide. Brain tanning, smoking, chewing, and stretching affected the durability, color, and softness of a hide.

Dakota Sioux women originally wore a one-piece leather dress cut from two big hides. The neck was cut where the animal's neck would have been. At the bottom of the dress, the two buckskin leg panels were sewn together. The tail of the animal in the bottom center of the dress was cut off. It could still be identified by a slight outcrop. The sleeves were made by sewing the arms of the hide together. This left the sleeve shorter on top with two longer panels hanging underneath both the right and left sides. Fringe was added to ceremonial garments. At first, these garments were decorated by painting designs on the surface. Then, hand tooled bone, beads, and elk's teeth were sewn to the dress. Quillwork followed and became a highly refined art form. Early inter-tribal trading afforded the luxury of seashells to be added to already existing objects.

With European encroachment, trade cloth, beads, metal, and sewing utensils were introduced. Bead working became a specialty art of the Northern Plains women. Beads were sewn onto practically every leather object. The designs varied, but were limited in color and also limited within tribal boundaries. Dakota women often beaded their personal identification or crest in the center of the yoke, which is an upper torso garment. Today this yoke is a separate piece from the rest of the dress. A beaded dwelling pattern was usually found on the sides. Ceremonial moccasins and leggings of the Sioux were constructed as two separate pieces. The headwork design on the moccasin and leggings usually complimented the rest of the buckskin.

Belts were worn around the waist. They were made with stained, wide leather and conchos or metal tacks are attached. Original Dakota women's belts did not have a Belt "Trailer/Bag." A knife sheath and small pouch were originally tied to the belt. Later the awl case/bag was added to the set.

The long front breastplate originated among the Sioux women. A legend of how this breastplate began is interpreted in the following way: At one time a band of Dakota were starving. While out looking for game, an old man encountered a pitiful looking deer. The old man felt sorry for this deer, and decided to spare its life. He did this because he could see that the deer was also starving. In return for its life, the pitiful looking deer revealed the hiding place of a whole herd of hearty deer. Through this discovery, this Dakota Band was able to overcome the famine. The Dakota from then on carved the bones of the deer to construct breastplates in honor of the deer that saved

their band. The bones of the original breastplates were elaborately covered. These breastplates did not originally include beads in their construction.

Long braid ties of dentalium shells were prized and worn to decorate women's braids. Sioux women originally did not wear eagle feathers in their hair, nor carry eagle feather fans. Most often women wore robes and blankets around the shoulders to occupy their arms. In the early 1900s some Dakota women carried white scarfs. If they waved these scarfs, they were saying, "Thank you for honoring my family and I," upon which they would "Giveaway."

Today there are many influences that can be traced back to the Northwest, Plateau, and Great Lakes Woodland tribes. Many of these practices have been adopted by their tribes and have since become inter-tribally "Northern." Indian women are currently taking great liberties and extending their boundaries of self-expression. They are combining inter-tribal influences while innovating their own styles of dance and regalia.

REGALIA

Traditionally the regalia of Northern Plains Traditional Dancers conformed to tribal guidelines. This was especially true of women who lived or originated in the Northern United States and Southern Prairie provinces. It does not apply to many women outside the Northern realm, who have adopted particular styles. Thus, the Northern Women's regalia will be described both in contemporary and in traditional terms.

The contemporary Women's Traditional Dancer wears both eagle feathers and eagle plumes. If a woman wears two eagle feathers "straight up" in her hair, it generally indicates that she is married. These feathers and plumes can be mounted or supported by rosettes and barrettes. Round abalone or mother of pearl shells and porcupine quillwork are commonly used in their creation. Some women of the Northwest wear beaded and woven hats. Still, other women choose to wear beaded crowns and headbands. Some women paint dots on their hair or use red paint pigment on the part in the hairlines. The symbolism of the paint differs from tribe to tribe.

Most women braid their hair in two braids. The women of the Woodlands often put their hair in a back bundle or braid one back braid. If one long braid is worn, it is usually accompanied by a long beaded braid tie. If two braids are worn, they are usually wrapped with otter or mink. Braid ties are made of shells, beadwork, quillwork, bones, and dentalium shells. Earrings are made of beads, quills, cut antlers, and heart or disc shaped shells. Chokers, scarfs, bone loop necklaces, and rosettes are worn around the neck.

Buckskins are both elaborately and partially beaded. Some buckskins have a trade cloth yoke and buckskin fringe hanging off the sleeves. Buckskin sleeve fringe can be short or extend to the bottom of the buckskin. Buckskins can be decorated with the following: quillwork, cowrie and dentalium shells, crow beaded dangles, elk's teeth, hairpipe, tin cones, and pony beads. Some women wear beaded capes or beaded suspenders over the plain buckskin tops. Cloth dresses are made of wool, velvet, or brocade trade cloth. Colors that seem to be popular are red, green, and black. However, blue seems to be the most predominate color of all. Ribbon, dentalium shells and cowrie shells, beadwork, sequins, tin cones, and elk's teeth are all used to

decorate Northern Cloth Dresses. Both wing and long sleeve dresses are worn. It is also common for a dancer to wear a long sleeve shirt under the buckskin yoke.

Belts are fastened around the waist and then tied in the front. They are constructed of wide "strap leather," conchos, metal tacks and beadwork panels. If a "drop" is worn, it can be formed from the same material used for the belt. It is generally positioned on the front right side. If a pouch, knife sheath, awl bag, and/or strike a light bag are worn; they are generally placed in the back.

Long breastplates cover the front of a dancer from her neck to the bottom of her dress. Modern breastplates have multicolored rows of beads in between spacers, along with hairpipe bone. One recent addition to the breastplate is a beaded panel that matches the rest of an elaborate beadwork set. At the bottom of the breastplate are dangles constructed of hairpipe bone, beads, coins, cowrie shells, and thimbles.

Full and partially beaded leggings and moccasin sets are worn. These moccasin and leggings sets can be comprised of one or two separate pieces. Tin cones, leather fringe, and fluffs can adorn the leggings and moccasins. Beaded cuffs can be worn but these are optional.

Most dancers carry an eagle fan, beaded purse, and fringed shawl while they dance. Some also include a handkerchief, scarf, and/or Dream Catcher.

CONTEST DANCING

Dignity, grace, and modesty characterize the Northern Women's Traditional Dance. Rarely will a Traditional Dancer display any extremely flamboyant dance movements. During the Graceful Walk, Stationary Dances, and Circle Dances, the fringe, body, and foot movement should be in direct harmony with the Drum. Even though the Northern Traditional and Southern Traditional Women use a similar graceful walking step, there is a subtle difference to the trained eye. The Southern Woman's step is more continuous and fluid, whereas the Northern Traditional has a pause in the up beat that is definite and noticeable.

The women raise their fans into the air to acknowledge the Honor Beats in a song. Some dancers move the fan from side to side while others keep time in a circular motion. This gesture represents "Catching the Spirit of the Drum," or "Honoring All Those Who Have Passed onto the Spirit World."

During a contest, strategic placement is very important to the Women's Northern Traditional Dancer. This is taken into consideration particularly in the Stationary Dance portion. An "ideal" location to dance would be near the Drum that is rendering the song, or where there is a high concentration of judges.

Each dancer expresses an individual style representative of a distinct region and tribal background. This background is judged accordingly both in regalia and dance movements.

Songs specifically composed for Female Traditional Dancers are preferred. Women in this category can be asked to dance to a Straight/Traditional Song that can be used for the Graceful Walk and Stationary Dances. A Kahomeni or Northern Round Dance Song can also be requested to fulfill the Circle/Round Dance portion of the contest. Thus, three songs are usually rendered in the Northern Women's Traditional Dance category.

Upcoming election most important in tribe's history

Bouzhon Nicon (Hello, my friends),

I NEED YOUR HELP!

By the time you receive this edition of the *HowNiKan*, the filing period for the next election in June will have taken place. The two offices that are up for election are the Vice-Chairman's office now held by Linda Capps, and the Secretary-Treasurer's office now held by Gene Bruno. I urge you to vote for Linda Capps for Vice-Chairman. She is an independent thinker who has demonstrated a great deal of courage in the face of some very unpleasant behavior and verbal abuse by Gene Bruno, Hilton Melot, J.P. Motley and other supporters of my opponent in the last election. This must stop. It is wrong and unfair and hurts our tribe.

Linda Capps has had one raise since she came to work at the tribe, is extremely dedicated to her job and puts in more hours than any other employee. She is being punished for believing, rightfully, that the Constitution says the Chairman and Vice-Chairman run the day-to-day affairs of the Tribe. She is a valuable and vital manager who cares about our people and deserves re-election.

Gene Bruno supported my opponent in the last election with open endorsements in the *HowNiKan*. He met with the Tribal Attorney to write the resolution that deprived me of the salary and car that had been my compensation during the period of the highest growth in tribal income in our history. I believe that he opposes me and he opposes Linda Capps for more than just spite. He doesn't want to face the heat. He should have to explain in the *HowNiKan* and at the Regional Councils about the violations of our conflict of interest rules he supported in the Housing Authority. He should have to explain his proposed supply agreement for a government contract that I stopped. He should have to explain his involvement in Hilton Melot's junk tire project that got 120,000 old truck tires dumped in the middle of our golf course and cost us \$141,000. I ask that you evaluate his record and vote for another candidate who



From The Chairman

By JOHN A. "ROCKY" BARRETT

supports the true progress of this tribe.

The whole rotten business of trying to keep me from doing my Constitutional job as Tribal Chairman by not paying me was an election tactic. I believe that Gene Bruno, Hilton Melot, and Jerry Paul Motley thought that they could get me to leave my job at the tribe, and they would then put one of them, or someone they picked, in as "Tribal Administrator" (a job that is not in our Constitution) and permit their stooge to do the Chairman's job. Then my opponent in the last election would be free to campaign at will at tribal expense. I stopped that by continuing to work with no pay.

You would think that they would stop all this nonsense when the people voted, by over 70%, in favor of my reelection and against their hand picked candidate who they said would only be a "straw man" for them that they could order around. This is a rotten nasty business. I beg each of you to get involved and get this behavior stopped by taking Gene Bruno out of office.

In the last meeting of the Business Committee, Gene Bruno made a big deal out of saying that he wanted an "independent editor" of the *HowNiKan* with an "Editorial Board" selected by the Business Committee. He means the three of them. I can tell you what I think those three want before the next election — Gene Bruno, Hilton Melot, and J.P. Motley want to stop me from writing this column — they don't want me to tell you the truth about what is really going on here — they don't want me to submit a new Constitution to you for a vote. The Regional Councils and the rest of our members in Oklahoma deserve to be represented in the tribal government!

Since the present method of management of the *HowNiKan* started fifteen years ago, no

member of the Business Committee has ever, EVER, been prevented from writing anything they wanted in a

column in the *HowNiKan*. They have had full access to this newspaper. So why do they want it changed? To muffle me. I promise that they will not get it done. If they keep me out of the *HowNiKan*, I will personally pay for the printing of another tribal paper that gets the truth to you. They can keep on filing bogus grievances with their handpicked members of the

Grievance Committee and it won't do them any good.

The next election is the most important election in my 21 years here at the tribe. I ask for your help and support.

THE CONSTITUTIONAL CHANGE IS COMING

Megwetch,

John Barrett
John Barrett



Election Committee Begins Work

The 2002 Election Committee was recently sworn in recently and began work toward the June 29 annual election. Candidate filing will be April 1, 2 and 3, and requests for absentee ballots must be postmarked by June 9. Election Committee members, being sworn in by Chairman Rocky Barrett (far right), are, far left, Don Yott, Harold Trousdale, Carrie Kieffer, David Bourbonnais, and Gary Bourbonnais. Also on hand for the swearing in was Vice Chairman Linda Capps, third from left.

RV Registration Potawatomi Heritage Festival June 28, 29 and 30, 2002

To reserve an RV parking space, send this registration form to: Citizen Potawatomi Nation, ATTN: Mary Farrell, 1601 S. Gordon Cooper Dr., Shawnee, OK 74801.

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: (____) _____ Tribal ID#: _____

Space Number: _____

Spaces will be reserved on a first come first serve basis. If you do not provide a space number, one will be assigned to you. A confirmation letter will be mailed to you upon receipt of your registration form. If you do not receive a confirmation letter within 2 weeks, please contact Mary Farrell at 800-880-9880.



BUSINESS COMMITTEE MINUTES

CITIZEN POTAWATOMI NATION SPECIAL BUSINESS COMMITTEE MEETING November 7, 2001

Present: Chairman John A. "Rocky" Barrett, Jr., Vice-Chairman Linda Capps, Secretary Treasurer Gene Bruno, Committeeman Hilton Melot, Committeeman J. P. Motley, Deputy Administrator Bob Trousdale and Administrative Services Director Vickie Canfield

Absent: None

Guests: Tribal Auditor Jeff Detweiler; John Howk, Vice-President of Bank of Oklahoma; Michael Parker, President of TransCapital Corporation.

Call to Order: Chairman Barrett called the meeting to order at 5:35 p.m.

First item of business: Minutes of the previous Business Committee meeting of October 24, 2001 were approved on a motion by Gene Bruno and seconded by Linda Capps. Passed 5 voting for, 0 opposed, 0 absent, 0 abstentions.

Second item of business: Resolution 02-34: A resolution authorizing a donation to the City of Tecumseh for installation of park playground equipment, fencing and park benches in the amount of \$3,200.00. Motion to approve Resolution 02-34 was made by Linda Capps and seconded by John Barrett. Passed 5 voting for, 0 opposed, 0 absent, 0 abstentions.

Third item of business: John Howk, Vice-President of Bank of Oklahoma, presented an investment strategy and a proposed portfolio for tribal trust funds. No action was taken.

Fourth item of business: Michael Parker, President of TransCapital, presented a proposal regarding "Tax and Economic Aspects of TransCapital's Leasehold Improvement Programs." No action was taken.

Fifth item of business: There being no further business before the Committee, motion to adjourn was made by Linda Capps and seconded by Gene Bruno. Passed 5 voting for, 0 opposed, 0 absent, 0 abstentions. Meeting adjourned at 8:35 p.m.

Minutes approved by:

John A. Barrett, Jr., Chairman

Gene Bruno, Secretary/Treasurer

CITIZEN POTAWATOMI NATION SPECIAL BUSINESS COMMITTEE MEETING November 14, 2001

Present: Chairman John A. "Rocky" Barrett, Jr., Vice-Chairman Linda Capps, Secretary Treasurer Gene Bruno, Committeeman Hilton Melot, Committeeman J. P. Motley, Deputy Administrator Bob Trousdale and Administrative Services Director Vickie Canfield

Absent: None

Guests: Tribal Auditor Jeff Detweiler; FNB President Larry Briggs, SpiritBank Representative Mrs. Sandy Crowley

Call to Order: Chairman Barrett called the meeting to order at 5:35 p.m.

First item of business: Minutes of the previous Business Committee meeting of November 7, 2001 were approved on a motion by Linda Capps and seconded by Hilton Melot. Passed 5 voting for, 0 opposed, 0 absent, 0 abstentions.

Second item of business: Resolution 02-35: A resolution approving an agreement between the Citizen Potawatomi Nation and Markwell Auction and Real Estate for the purpose of conducting the sale of surplus property in accordance with the Excess Personal Property Acquisition and Donation Procedures, adopted February 25, 2000. Motion to approve Resolution 02-35 was made by Gene Bruno and seconded by J. P. Motley. Passed 5 voting for, 0 opposed, 0 absent, 0 abstentions.

Third item of business:

Resolution 02-36: A resolution approving the top two priorities in the Transportation Improvement Plan and appropriating funds in the amount of \$40,401.00 to contract for construction of said priorities under the provisions of Public Law 93-638. Motion to approve Resolution 02-36 was made by Gene Bruno and seconded by Linda Capps. Passed 5 voting for, 0 opposed, 0 absent, 0 abstentions.

Fourth item of business: Spirit Bank representative Sandy Crowley presented an Investment strategy and a proposed portfolio for tribal trust funds. No action was taken.

Fifth item of business: There being no further business before the Committee, motion to adjourn was made by Linda Capps and seconded by Gene Bruno. Passed 5 voting for, 0 opposed, 0 absent, 0 abstentions. Meeting adjourned at 7:30 p.m.

Minutes approved by:

John A. Barrett, Jr., Chairman

Gene Bruno, Secretary/Treasurer

CITIZEN POTAWATOMI NATION SPECIAL BUSINESS COMMITTEE MEETING December 19, 2001

Present: Vice-Chairman Linda Capps, Secretary Treasurer Gene Bruno, Committeeman Hilton Melot, Committeeman J. P. Motley, Deputy Administrator Bob Trousdale and Administrative Services Director Vickie Canfield

Absent: Chairman John A. "Rocky" Barrett, Jr. (hospitalized)

Call to Order: Vice-Chairman Capps called the meeting to order at 5:30 p.m.

First item of business: Minutes of the previous Business Committee meeting of November 14, 2001 were approved on a motion by Gene Bruno and seconded by Hilton Melot. Passed 4 voting for, 0 opposed, 1 absent, 0 abstentions.

Second item of business: Resolution 02-49: A resolution pertaining to enrollment into the Citizen Potawatomi Nation by descendency. Motion to approve Resolution 02-49 was made by Hilton Melot and seconded by J. P. Motley. Passed 4 voting for, 0 opposed, 1 absent, 0 abstentions.

Third item of business: Resolution 02-50: A resolution authorizing application for funding and participation in Title VI, Part A of the Older Americans Act, grants to Indian tribal organizations for supportive and nutritional services for older Indians, for the project period April 1, 2002 through March 31, 2005. Motion to approve Resolution 02-50 was made by J. P. Motley and seconded by Linda Capps. Passed 4 voting for, 0 opposed, 1 absent, 0 abstentions.

Fourth item of business: Resolution 02-51: A resolution authorizing the submission of a Notice of Intent for designation as an Indian Workforce Investment Act grantee through the Department of Labor with Tribal implementation through the Citizen Potawatomi Nation's Employment and Training Program consolidated under P.L. 102-477 for the project period July 1, 2002 through June 30, 2004. Motion to approve Resolution 02-51 was made by Hilton Melot and seconded by Gene Bruno. Passed 4 voting for, 0 opposed, 1 absent, 0 abstentions.

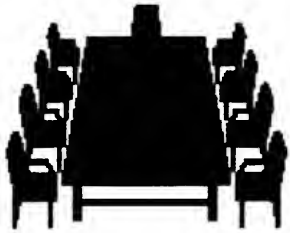
Fifth item of business: Belshe Industries, Inc. Lease: The option of extending the term of this lease from a 6-month renewal to a one-year renewal was discussed. It was the consensus of the committee members present that this was a workable option, as the land will not be ready for a construction project for at least a year.

Sixth item of business: There being no further business before the Committee, motion to adjourn was made by J. P. Motley and seconded by Gene Bruno. Passed 5 voting for, 0 opposed, 0 absent, 0 abstentions. Meeting adjourned at 6:00 p.m.

Minutes approved by:

Linda Capps, Vice-Chairman

Gene Bruno, Secretary/Treasurer



BUSINESS COMMITTEE MINUTES

CITIZEN POTAWATOMI NATION
SPECIAL BUSINESS COMMITTEE MEETING
January 23, 2002

Present: Vice-Chairman Linda Capps, Secretary-Treasurer Gene Bruno, Committeeman Hilton Melot, Committeeman J. P. Motley, Deputy Administrator Bob Trousdale and Administrative Services Director Vickie Canfield

Absent: Chairman John A. "Rocky" Barrett, Jr

Guests: None

Call to Order: Vice-Chairman Capps called the meeting to order at 5:25 p.m.

First item of business: Minutes of the previous Business Committee meeting of December 19, 2001 were approved on a motion by J.P. Motley and seconded by Hilton Melot. Passed 4 voting for, 0 opposed, 1 absent, 0 abstentions.

Second item of business: Resolution 02-52 – A resolution authorizing the application and submission of the Citizen Potawatomi Nation's grant proposal entitled "Oklahoma Native American Abstinence Grant" in answer to the Department of Health and Human Service's FY2002 announcement. Motion to approve Resolution 02-52 was made by Hilton Melot and seconded by Gene Bruno. Passed 4 voting for, 0 opposed, 1 absent, 0 abstentions.

Third item of business: Resolution 02-53 – A resolution authorizing the application and submission of the Citizen Potawatomi Nation's grant proposal entitled "Community Development Financial Institution (CDFI) Technical Assistance Grant" in answer to the Department of Treasury's FY2002 announcement. Motion to approve Resolution 02-53 was made by J. P. Motley and seconded by Gene Bruno. Passed 4 voting for, 0 opposed, 1 absent, 0 abstentions.

Fourth item of business: Donation for Capitol dome statue: Following a brief discussion, this item was tabled.

Fifth item of business: Election Ordinance: Copies of the proposed 2002 Election Ordinance were distributed to committee members for review. A few minor changes were recommended and the Ordinance will be sent back to the Election Committee for review.

Sixth item of business: Burial Insurance Policy: Vice-Chairman Capps distributed a memo outlining the expenditures from the burial account fund for the years 1996 through 2001. She also asked the committee to consider opening the burial policy program to all enrolled tribal members. In addition, copies of the Resolutions creating the Burial Insurance Fund were distributed for committee review. Linda Capps recommended that changes be made to the form to indicate a beneficiary and is willing to modify the form and bring it back to the committee. No action taken.

Seventh item of business: Firelake Discount Foods: The totals for weekly and monthly sales for the store were distributed to the committee members. Also, a basic contract for Star Entertainment regarding leasing of a video outlet within the store, was distributed for committee review. After discussion, it was the consensus of the committee to approve this contract, pending review by tribal attorneys.

Eighth item of business: Tire Project: Vice-Chairman Capps gave an update on the tire project on the river. Noble Rubber Company would like to come in with their tires and extend the project an additional 5,000 feet. Tabled until next meeting.

Ninth item of business: Ground-breaking for Wellness Center: Linda Capps asked for suggestions regarding times and dates for a groundbreaking ceremony. The only recommendation from the committee members was to have the ceremony around noon in order to allow most of them to attend. Linda Capps stated she would contact them with some possible dates.

Tenth item of business: Softball fields: There was a discussion regarding use of the softball fields for tournament play. It was the consensus of the committee that this would allow the fields to generate some income. Therefore, Linda Capps will be soliciting proposals regarding this project.

Eleventh item of business:

Insurance Coverage for Grievance Committee Members: Linda Capps stated she had received an inquiry from the Grievance Committee members regarding the possibility of insurance coverage. The committee members requested that Linda Capps obtain bids for costs regarding this coverage.

Executive Session: J. P. Motley made a motion to go into Executive Session to discuss personnel issues; seconded by Hilton Melot. Passed 4 voting for, 0 opposed, 1 absent, 0 abstentions.

Recessed at 6:00 p.m.
Reconvened at 7:00 p.m.

Twelfth item of business: There being no further business before the Committee, motion to adjourn was made by J. P. Motley and seconded by Hilton Melot. Passed 4 voting for, 0 opposed, 1 absent, 0 abstentions. Meeting adjourned at 7:05 p.m.

Minutes approved by:

John A. Barrett, Jr., Chairman

Gene Bruno, Secretary/Treasurer

RESOLUTION LOG

Date	Resolution #	Title	Vote (for, opposed, absent, abstentions)
12-19-01	02-49	A resolution pertaining to enrollment into the Citizen Potawatomi Nation by descendency	4-0-1-0
12-19-01	02-50	A resolution authorizing application for funding and participation in Title VI, Part A of the Older Americans Act, grants to Indian tribal organizations for supportive and nutritional services for older Indians, for the project period April 1, 2002 Through March 31, 2005.	4-0-1-0
12-19-01	02-51	A resolution authorizing the submission of a Notice of Intent for designation as an Indian Workforce Investment Act grantee through the Department of Labor with Tribal implementation through the Citizen Potawatomi Nation's Employment and Training Program consolidated under P.L.102-477 for the project period July 1, 2002 through June 30, 2004	4-0-1-0
1-23-02	02-52	A resolution authorizing the application and submission of the Citizen Potawatomi Nation's grant proposal entitled "Oklahoma Native American Abstinence Grant" in answer to the Department of Health and Human Service's FY2002 announcement.	4-0-1-0
1-23-02	02-53	A resolution authorizing the application and submission of the Citizen Potawatomi Nation's grant proposal entitled "Community Development Financial Institution (CDFI) Technical Assistance Grant" in answer to the Department of Treasury's FY2002 announcement	4-0-1-0

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The HowNiKan welcomes
submissions from tribal members,
especially news of their
accomplishments. Send articles and
photographs to Dennette Bare at
tribal headquarters. Deadline is the
5th of the month.

THE CITIZEN POTAWATOMI RESERVATION IN INDIAN TERRITORY: UNJUST ACTS AND LAND ALLOTMENTS

By Lisa Kraft

In reply I have to state that it was desired, first of all, to secure the union of the Absentee Shawnees and the Pottawatomies under one tribal organization, and you were so instructed; failing in this you were directed to endeavor to have them agree upon some dividing line, so allotments could be made to the two tribes in different parts of the tract, and each should occupy the portions agreed upon.¹

Commissioner H. Price, 1883

In 1872, Congress passed an act to erode Citizen Potawatomi tribal authority and diminish its Indian Territory wealth and resources. The Department of the Interior (Bureau of Indian Affairs) also attempted to merge the Citizen Potawatomi and Absentee Shawnee people into one tribe. Unsuccessful, and highly contentious, the federal government's ultimate aim was to force these two tribes to occupy a single reserve. The *Act to Provide Homes for the Pottawatomie and Absentee Shawnee Indians in Indian Territory* was signed by President Grant in 1872 to bring justice to both tribes.² However, justice was short sighted and at the expense of the Citizen Potawatomi. The terms of the treaty of 1867, concluded earlier in Kansas, set apart the Citizen Potawatomi reserve in Indian Territory for the Potawatomi's "exclusive use and occupancy." The money used to purchase the new reservation came solely from the sale of individual Citizen Potawatomi Kansas allotments and surplus land. The Department of the Interior disregarded Citizen Potawatomi treaty rights and allowed the Absentee Shawnee to assert ownership rights over the Potawatomi reservation.

Fifteen years later with the passage of the General Allotment Act in 1887, the situation was further exacerbated. The Absentee Shawnee forced self-serving demands on the scheduling of Potawatomi allotments. Citizen Potawatomi members were made to take allotments on the south half of their reserve while the Absentee Shawnee were given the choicest lands to the north. For over 135 years, the Department of the Interior, on a regional and local level, carried out a policy to rob the Citizen Potawatomi Nation of its jurisdictional authority, its land, and its federal endowment. This paper chronicles the creation of the Citizen Potawatomi reservation and the two allotment acts (1872 and 1887) as experienced by Potawatomi tribal members. The discussion concludes with the opening of the reservation to white settlement in the Land Run of September 22, 1891.

Historically speaking, the Potawatomi were among the first Indian tribes to enter into treaties with the United States and one of the last, ceding over 10 million acres throughout Wisconsin, Illinois, Indiana, Michigan, and Ohio, and later, in Iowa and Kansas.³ In order to understand the driving forces behind the Potawatomi removal to Indian Territory, it is first necessary to review the two acts concluded in Kansas prior to their relocation. It is also imperative to recognize the creation of two separate Potawatomi bands resulting from the experimental allotment act unleashed on the Potawatomi while in Kansas.

The act of 1861, carried out in Kansas, created a distinct class of Potawatomi through the issuance of individual land allotments. Within a few short years, these Potawatomi would become recognized as the Citizen Potawatomi.⁴ Brought about by mounting pressures from non-Indian settlers, traders calling in debts, missionaries, and the railroad conglomerates, the legislation creating the

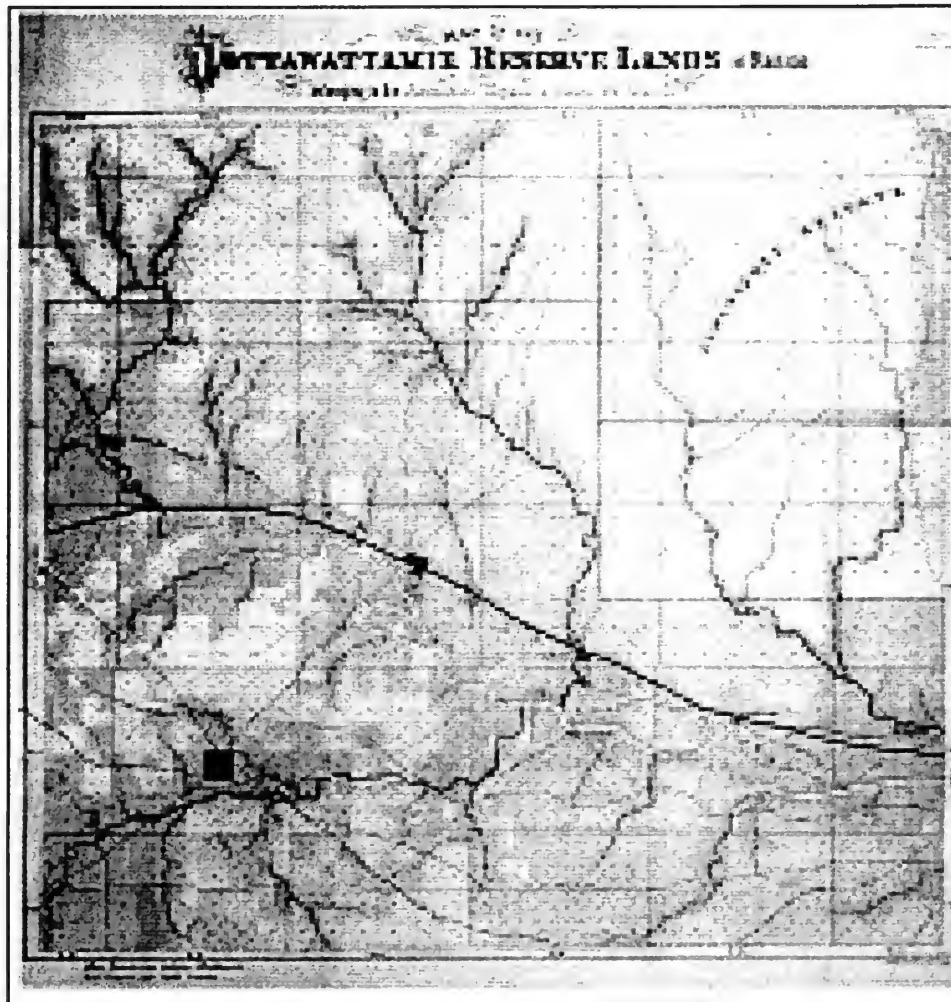


Figure 1: "Map of the Pottawatomie Reserve Lands in Kansas belonging to the Atchison, Topeka, and Santa Fe Railroad Company." Notice the 11-mile square tract in the northeast corner. This is the diminished reserve set aside for the Prairie Potawatomi. The rest of the surplus lands were sold by the Citizen Potawatomi to pay for the Indian Territory Reserve in 1867. (Courtesy of the Citizen Potawatomi Nation Archives)

Territory of Kansas hastened the United States to negotiate the treaty of 1861 with the Potawatomi to diminish their Kansas River reservation through an allotment scheme (Figure 1). Conducted at the Potawatomi Agency in Kansas, approximately three-fourths of the Potawatomi reservation was opened for allotments to individual tribal members and a small portion or one-fourth was set aside for those choosing to hold land in common. Those Potawatomi who chose to live communally were commonly referred to as the "prairie" Potawatomi.⁵ A preemptive clause was added to the treaty of 1861 to protect the interests of the Potawatomi desiring to live together. Exclusively penned for the Prairie Potawatomi, article four of the treaty of 1861 set aside an 11-mile square tract for the small community. In effect, the act of 1861 created two unique bands of Potawatomi: the Citizen Band and the Prairie Band.⁶

For any adult Potawatomi desiring to own individual farms, the act of 1861 gave them such an opportunity. Adult Potawatomi tribal members were allowed to select individual tracts of land anywhere on the Kansas River reserve except for the 11-mile square tract that would be held communally by other Potawatomi tribal members. Once selected, the land allotments would be exempt from levy, taxation, and sale, and considered "alienable in force." This meant the federal government would protect the individual Indian and his land from non-Indian land depredation. However, to obtain a land patent and actually own land, the individual Potawatomi tribal member had to adopt United States citizenship.⁸ Soon after, these Potawatomi

were labeled "citizen" Potawatomi by Indian and non-Indian, alike.⁹ Taking individual land allotments did not diminish individual tribal members' stake in the Kansas River reservation surplus land. This land would later be sold to pay for the new Citizen Potawatomi reserve in Indian Territory.

As history has proven, federal restrictive measures, while crafted in Washington, afforded little, if no, protection on the actual lands in Kansas. Local Kansas authorities and non-Indian citizens saw these new Potawatomi "citizens" as a unique tax base. Not long after taking citizenship, land taxes were illegally imposed; tribal members incurred tax debt, and were intimidated or forced to sell their lands to ward off creditors. When the smoke cleared, the federal government offered no form of retribution or compensation to the naturalized Potawatomi who thought they were being protected by the federal government.¹⁰ Conveniently, article three of the treaty of 1861 gave the new citizens a way out of their dilemma. Those Citizen Potawatomi, who were adults, could exercise the option of having the President declare them competent and grant patents in "fee simple" allowing for the immediate sale of their allotment lands if they so desired.¹¹ A patent issued in "fee simple" meant that the federal government no longer imposed restrictions on patenting, taxing, leasing, or selling the land.

In 1866, the federal and territorial governments, perhaps impatient for complete Indian removal from Kansas, lifted the beneficial provisions of the treaty of 1861 allowing *any* member of the tribe, regardless of age, to select lands, receive patents in "fee

simple," and dispose of their allotment land.¹² Tribal members and their families may have seen this as a means to get out from under the land restrictions of the federal government. However, this amendment came with a hefty price. Each individual had to cease membership in the Potawatomi tribe and become a United States citizen. In the reflective words of a Citizen Potawatomi spokesperson, "We made the treaty because the Government desired us to do so, not that we understood what being a citizen meant."¹³ Many of the "citizen" Potawatomi became vulnerable to white depredation, lost their lands, and became destitute. Without compassion, the territorial government of Kansas made matters worse.

Between 1864 and 1868, Wartime-Governor of Kansas Samuel Crawford encouraged the state militia to antagonize the tribes and encourage dissension among white and Indian neighbors. The end goal was the removal of all Indians from Kansas to the Indian Territory.¹⁴ These tactics resulted in over one and a half million acres of ceded Indian trust lands in Kansas being sold to settlers and speculators. Many of those Citizen Potawatomi who took lands in severalty and had attempted to become prosperous farmers and businessmen quickly succumbed to financial pressures. To add to their misery, throughout the 1860's severe droughts in Kansas caused creeks to dry up and crops to fail. The social and economic barriers, the drought conditions, and procedural frustrations with allotments perhaps were all instrumental in prompting the Citizen Potawatomi to move to Indian Territory.¹⁵ Fortunately for the new citizens, the composers of the treaty of 1861 had negotiated for a remedial provision. Article eight of the treaty of 1861 allowed any band or bands of Potawatomi desiring to remove from their Kansas home to sell their allotment land and their portion of the reservation surplus land to pay for a new home in the Indian Territory. This provision led to the treaty of 1867 and the formal recognition of the Citizen Potawatomi as distinguishable from other Potawatomi tribes.¹⁶

On February 27, 1867, the Citizen Potawatomi signed their last treaty with the United States in an attempt to escape their Kansas hardships and relocate to Indian Territory.¹⁷ Article three of the treaty of 1867 called for a new governing body of the naturalized Potawatomi. However, it was article four that formally recognized the "Business Committee."¹⁸ Nevertheless, the treaty of 1867 was not proclaimed for another 18 months due to Citizen Potawatomi tribal members accusing the new government-appointed Business Committee of conspiring to sell to the Atchison, Topeka, and Santa Fe Railroad Company all of the Citizen Potawatomi reservation surplus land. Citizen Potawatomi tribal members argued that the Business Committee was lining their pockets by making the deal with the Railroad Company.¹⁹ Regardless of the complaints, both the newly recognized Citizen Potawatomi and those members continuing to live communally as the Prairie Potawatomi in Kansas were afforded an opportunity to move south to a new tract of land in Indian Territory. The members of the Citizen Potawatomi, who still had possession of their Kansas allotments under the treaty of 1861, would be allowed to remain in Kansas if they desired.²⁰

Several months after signing the treaty of 1867, it was ratified by the Senate on July 25, 1868 adding, "whereas the [Citizen Potawatomi] tribe has the means of purchasing such reservation from the funds to arise from the sale of lands under the provisions of this

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treaty.²¹ The Business Committee, having negotiated the deal with the Atchison, Topeka, and Santa Fe Railroad, sold the Kansas River reservation surplus land and was able to replenish the tribal trust account held by the United States (Figure 2). This enabled the Citizen Potawatomi to purchase a new reserve in Indian Territory.²² Article one of the treaty of 1867 permitted the Citizen Potawatomi to select a home among the Cherokees if a price and an agreement could be reached. Article four of the treaty called for a register to be made by the Business Committee within two years listing all tribal members desiring to relocate to Indian Territory and all those who desired to remain in Kansas who were "citizens." Fundamentally, it was article six of the treaty of 1867 that encouraged members, who had not already done so, to take United States citizenship in order to secure their place on the new Indian Territory reserve.²³

In December of 1869, a Citizen Potawatomi group visited the Indian Territory. Rather than selecting lands within the Cherokee reservation as originally intended by the Secretary of the Interior, tribal representatives, instead, selected lands previously belonging to the Creeks and Seminoles. The language of the treaty of 1867 stated that once the Citizen Potawatomi made their selection of a 30-mile square tract and it was approved, title of land ownership would be transferred to the Citizen Potawatomi Tribe for its "exclusive use and occupancy."²⁴ Unbeknownst to the Citizen Potawatomi, the tract the group had selected was already being occupied by the Absentee Shawnee Tribe without legal authority.

The Absentee Shawnee, as they came to be known, were comprised of many different bands of Shawnee. It has been purported by scholars that as early as 1836 members of the Shawnee Tribe were living with the Creek and Choctaw Nations along the Canadian River in what was to become the Citizen Potawatomi reserve in Indian Territory.²⁵ Other Shawnee came to the Canadian River vicinity in 1839 with the Texas Cherokees. Additional Shawnee from Kansas migrated to the Canadian River to join the Absentee Shawnee in 1846. Adding to the Shawnee influx in 1854, members of the Shawnee band known as Black Bob who had refused to accept allotments on their Kansas reserve and, instead, encouraged an intertribal struggle for power.²⁶ Members of this Shawnee band soon left Kansas to take up residency with their Shawnee kin residing along the Canadian River in central Indian Territory.

A provision of the Shawnee treaty of 1854 granted those Shawnee who were not living with the main Shawnee tribe in Kansas a chance to reunite and claim allotments in Kansas and a portion of the money from the sale of the Kansas reservation surplus land if they returned to Kansas within five years.²⁷ The Shawnee treaty of 1854 also stipulated that the surplus land would not be sold to settlers within ten years of the treaty for this very purpose. When the time to make good on the provisions of the treaty of 1854 came due, those Shawnee members residing in Indian Territory refused to take part in finalizing the treaty and, hence, became known as the "absentee" Shawnee. Congress in 1869 sold the remaining Shawnee reservation surplus land in Kansas and awarded the proceeds to the main Shawnee Tribe.²⁸ One notable scholar mentions that sometime in 1867, the federal government tried to provide a home for the Absentee Shawnee along the Canadian River but the treaty was never ratified.²⁹ A few months before the signing of the Citizen Potawatomi treaty of 1867, the main Shawnee



Figure 2. Atchison, Topeka, and Santa Fe Railroad Company advertisement for the sale of "Pottawatomie Reserve Farming Lands in Kansas, a veritable land of Goshen; a paradise for flocks and herds, and is strongly suggestive of oceans of milk with mountains of butter and cheese." (Courtesy of the Citizen Potawatomi Nation Archives).

tribe, together with the Quapaw, Seneca, Miami, Peoria and Wyandotte, signed a treaty with the United States on February 23, 1867, ceding their Kansas reservation for a new tract in the northeast corner of Indian Territory.³⁰

The Citizen Potawatomi, having selected a tract formerly belonging to the Creeks and the Seminoles in December of 1869, agreed upon the 30-mile square reservation bounded to the north by the North Fork of the Canadian River and to the south by the Canadian River.³¹ The Little River, running east and west, bisects the entire reservation causing two equal north-south halves (Figure 3). The new Citizen Potawatomi reservation was reported to the

Secretary of the Interior on November 3, 1870, and was officially approved a week later on November 9, 1870. Again, reference was made to the Absentee Shawnee living on the Citizen Potawatomi reserve who "were not there by treaty or executive order."³²

Shortly after the Citizen Potawatomi had selected their new reserve, an unforgiving Congress enacted the Indian Appropriations Act of 1871. The effect on Indian tribes was devastating. The act of 1871 not only bolstered non-Indian settlement on Indian lands; it terminated the treaty process between American Indian tribes and the federal government. In essence, tribes lost their management rights to reservation lands, and, in some cases, tribal affairs. The act of 1871 also created uncertainty over the rights of the Citizen Potawatomi as both citizens and Indians.³³ Having accepted United States citizenship in the treaty of 1861 and, again, in the treaty of 1867, members of the Citizen Potawatomi Tribe were now considered, by the federal government, to be "quasi-Indians." As far as the President of the United States, Secretary of the Interior, Commissioner of Indian Affairs, and Indian agents, Citizen Potawatomi members had become "citizens" and thus, acculturated. In the eyes of the federal government, they ceased being "Indian" overnight when they signed their citizenship papers.

In 1871, Commissioner E. S. Parker wrote to Secretary Delano informing him that under article six of the Citizen Potawatomi treaty of 1867, as many as 1,518 Potawatomi received naturalization papers and applications for land patents. Of that number, 1,268 Potawatomi became citizens, were issued patents "in fee simple" for their Kansas lands, and paid their individual portion of tribal funds from the sale of the surplus lands on the Kansas River reserve. Parker also informed Delano that steps were being taken to issue naturalization certifications and patents to the remaining 250 Potawatomi individuals living in Kansas and among the Prairie Potawatomi. In his report, Parker identified the total number of Citizen Potawatomi living in Kansas and Indian Territory to be 2,180. It is important to note that land patents for allotments were still being issued to tribal members in Kansas since article three of the treaty of 1861 was still in force.³⁴

Essentially, the treaty of 1867 created both a safe-haven and a unique opportunity for Citizen Potawatomi tribal members. The relocation to Indian Territory, as gauged by the eventual scheduling of allotments to the Citizen Potawatomi, was a gradual one for tribal members. As individual Citizen Potawatomi lost their land holdings in Kansas and fell prey to non-Indians, they were still able to relocate to Indian Territory to live communally with other "citizens." Those Citizen Potawatomi who were successful in Kansas, had the option of remaining in Kansas.

Sac and Fox Agency Indian Agent John Hadley, in his 1871 Annual Report to the Commissioner of Indian Affairs, indicated that there were 640 Absentee Shawnee living on the Citizen Potawatomi reserve in Indian Territory.³⁵ Emphasizing the conflict between the two tribes on the same reserve, Acting Commissioner D. L. Hawkins noted, "a feeling of uneasiness and insecurity has existed among these people since the settlement of the Pottawatomies upon the lands exclusively occupied by the former for more than 30 years."³⁶ In the same letter, Acting Commissioner Hawkins informed Secretary Noble that the Citizen Potawatomi and Absentee Shawnee had not "assimilated and do not agree well together."³⁷ He also reported

that the Absentee Shawnee had repeatedly requested that the Citizen Potawatomi be confined to the south side of Little River with the Absentee Shawnee being allowed to continue living on the north side. Rather than remove the Absentee Shawnee from the Citizen Potawatomi reservation and honor the terms of the Potawatomi treaty, the Department of the Interior forced the Citizen Potawatomi to "share" the reserve by challenging their tribal authenticity.

Secretary Columbus Delano set out in early 1872 to examine the circumstances leading up to the Citizen Potawatomi treaty of 1867 and their removal to Indian Territory. This attempt was made partly to address the tensions between the two tribes and partly to determine the legitimacy of the Citizen Potawatomi as a tribal organization. After reviewing the Potawatomi treaties of 1861, 1866, and 1867, Secretary Delano wrote that, "it had been the intent of Congress to permit any member of the Potawatomi tribe to become citizens. However, to the government's surprise, all of the members of the Potawatomi tribe, excluding the Prairie Band, took United States citizenship." The issue of import became whether or not the Citizen Potawatomi, in their changed condition as "citizens," could have a patent issued to the tribal entity for the new reservation. As outlined in his March 6, 1872 letter, Secretary Delano generally agreed with the technical impediments causing the Citizen Potawatomi to become "extinct."³⁸ Fortunately, he felt that this had not been the original intent of Congress.

In order to bring justice to the Citizen Potawatomi who had become "quasi-citizens" by the acts of 1861 and 1867, Secretary Delano recommended to Speaker of the House of Representatives J. G. Blaine that new legislative action be passed to reconstitute the tribal entity. Delano went on to qualify his request by stating, "so long as they remain together as an organized body they may be permitted to hold their lands in severalty or in common as they may elect."³⁹ Acting upon the Commissioner's recommendation, Congress passed "An Act to Provide Homes for the Pottawatomie and Absentee Shawnee Indians in the Indian Territory" on May 23, 1872. Of particular note, a provision of the act blatantly repealed the rights of the Citizen Potawatomi as United States citizens and returned them to the status of Indians.⁴⁰

Not only did the act of 1872 restore the sovereignty of the Citizen Potawatomi Tribe; it allowed the Secretary to issue allotment certificates to individuals of both tribes for land selections on the 900 square-mile reserve. Such tracts were to be exempt from levy, taxation, or sale and alienable in fee, or leased or otherwise disposed of only to the United States or to persons of Indian blood, lawfully residing within Indian Territory. Allotments made under the provisions of the act of 1872 were short, concise, and written in only two sections. Section one was written for Citizen Potawatomi tribal members and section two, for Absentee Shawnee tribal members. Section one of the act of 1872 allowed for larger land allotments to the Citizen Potawatomi but required them to pay for their selections from tribal trust funds held for them by the United States. Section two provided the Absentee Shawnee with land allotments at one half of the acreage allowed for the Citizen Potawatomi. Additionally, the Absentee Shawnee did not have to pay for their allotments.⁴¹ The act of 1872 clearly sought to compensate the Citizen Potawatomi as they

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were made a better deal with respect to land quantity as well as being able to choose anywhere within the entire reservation. Unfortunately, the Citizen Potawatomi people would end up paying for their reservation land twice, first to create the reservation and second to take individual allotments under the act of 1872. The Absentee Shawnee were not required by the government to compensate the Citizen Potawatomi for land allotments.

The intent of the act was partially carried out on November 12, 1875, when some 327 Absentee Shawnee were issued allotments. According to a Senate executive document, the Absentee Shawnee individual allotments were approved ten days later on November 22, 1875, but were found to be incomplete and subsequently voided.⁴² Although a participant in the act of 1872, the Absentee Shawnee would never be issued certificates for allotment lands under this Act.

Having settled the question over the legitimacy of the Citizen Potawatomi tribal members as indeed being Indians and reaffirming the Citizen Potawatomi Tribe as a governing tribal entity, Congress embarked on resolving the issue of a divisional line on the Potawatomi reservation for the selection of allotments for Citizen Potawatomi and Absentee Shawnee tribal members. Commissioner D. L. Hawkins declared that it was the intent of the Department of the Interior, with the act of 1872, that allotments be confined to "separate and distinct portions of the reservation."⁴³ It should be pointed out that this was an administrative decision and not a legal one. In the act of 1872, there is no such language that would restrict the Citizen Potawatomi from taking allotments anywhere on the Potawatomi reservation.

On November 9, 1875, Special Agent Knox issued 43 allotments to the Citizen Potawatomi. Since many of them had not resided on their allotments for the required three-year period, certificates could not be issued. Agent Knox listed the occupancy requirement as one reason for not issuing certificates and a shortage of cash payments as another. Perhaps Agent Knox's rigidity in interpreting the allotment instructions was counter-productive in the eyes of his superiors. In response, Commissioner H. Price informed Agent Knox that, "while not having cash readily available for the purchase, their tribal annuities held by the United States could have been used towards the purchase."⁴⁴ A few weeks later on November 23, 1875, Acting Commissioner D. L. Hawkins wrote to the Secretary of the Interior informing him that 131 allotments under the act of 1872 were made to Citizen Potawatomi tribal members and approved the same day. Additionally, 327 allotments were issued to Absentee Shawnees.⁴⁵ As it turned out, none of these certificates were issued to tribal members due to technical deficiencies such as incomplete legal descriptions, lack of boundary markers, allotment duplicity, discrepancies in tribal membership, and familial relationships.

Many years later and still unresolved, the divisional line argument resurfaced. By April 30, 1883, efforts were again underway to induce the Absentee Shawnee into taking allotments. The Department of the Interior had received the list of allotments made in 1875. Nonetheless, certificates could still not be issued because the surveys were in such bad condition making it impossible to locate the tracts correctly. Furthermore, the Absentee Shawnee petitioned that no action be taken until a firm dividing line was established between them and the Citizen Potawatomi,

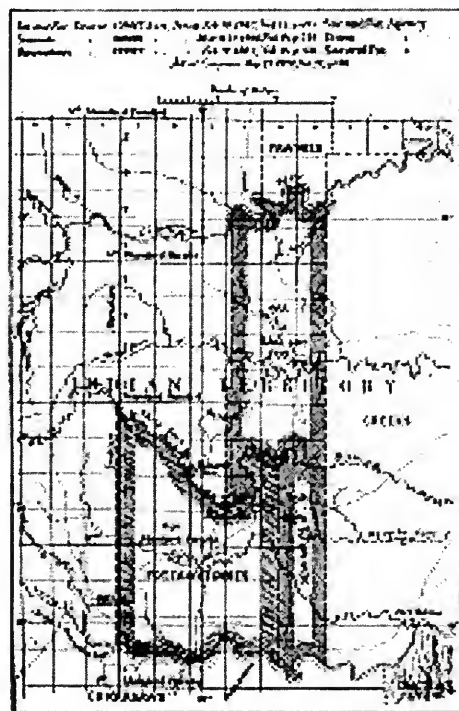


Figure 3: Citizen Potawatomi Indian Territory Reservation created by the act of 1872. Also shown are the Sac and Fox Reserve to the north and the Seminole Reserve to the east. Map adapted from the Annual Report of the Commissioner of Indian Affairs (1879:79).

essentially dividing the reservation in half, using the Little River as a reference point.⁴⁶ Some of the Absentee Shawnee continued to oppose taking lands in severalty and, most, if not all, simply opposed the act of allowing the Citizen Potawatomi to create a reservation where the Absentee Shawnee had made their homes. In an April 11, 1883 letter, Commissioner H. Price indicated that he knew of, "no law that requires either tribe from having to take allotments within the confines of specific portions of the reserve." He went on to reprimand the Agent, "Should you fail in your efforts to secure amicable arrangements you will allow members of either tribe to make selections anywhere they desire."⁴⁷ Indicating that if the Absentee Shawnees refused to accept lands in severalty, "they cannot be compelled to take them, but you will use all proper means to induce them to do so." A few days later on April 30, 1883, Special Agent Townsend reported that the Absentee Shawnee still refused to take allotments owing to "superstitious" feelings that it would be unwise to do so. Agent Townsend reported that the non-progressive Indians were responsible for spreading the rumors of superstition.⁴⁸

Due to boundary markers having been taken or lost since 1872, Agent Carter was directed in July 1883 to remark corner stones or monuments within the reserve so that new allotments could be made. In fact, Commissioner Price saw nothing in the act of 1872 that would prohibit the government from settling other friendly Indians upon the surplus lands of the Citizen Potawatomi reserve after the intention of the act was satisfied. "I certainly perceive nothing in the act that suggests Congress intended that this large area of land should be devoted exclusively to these two small remnants of tribes, whose numbers today, according to the latest statistics, do not aggregate over 1,220 souls."⁴⁹

On January 19, 1884, nine certificates were issued to members of the Citizen Potawatomi Tribe for allotments under the act of 1872 provision at a cost of \$131.60 each.⁵⁰ The following month on February 26, 1884,

Commissioner H. Price confirmed to members of the Citizen Potawatomi Business Committee that in 1875, 327 allotments of 80 acres were made to members of the Absentee Shawnee Tribe under the second section of the act of 1872, but no certificates were issued.⁵¹ By April 27, 1885, only two more allotments were made to members of the Citizen Potawatomi Tribe under the act of 1872 provisions.⁵²

With acculturation the primary goal of a new Congress, the notion of giving each Indian family its own farm and attempting to end tribal sovereignty came one step closer with the passage of the General Allotment Act of February 8, 1887.⁵³ Congress, realizing past mistakes, wrote provisions into the Act to help Indians retain their allotment lands. Under the terms of the act of 1887, the federal government would be allowed to hold the patent to each individual allotment for a period of 25 years or until the individual Indian was deemed competent to handle his/her own affairs, all the while, imposing restrictions. The Dawes Act, as it is commonly known, also required that each Indian accept citizenship of the United States and follow the laws of the state or territory in which they resided.⁵⁴

A census taken on May 17, 1887, indicated that there were 306 Citizen Potawatomi tribal members and 775 Absentee Shawnee tribal members living on the Citizen Potawatomi reserve. In the same report, it was determined that there were approximately 120,000 tillable acres of land on the reserve with the remaining acres being timbered.⁵⁵ On May 24, 1887, President Grover Cleveland granted authority for making allotments of land in severalty to all Tribes by enacting the Dawes Act of 1887. Agent Moses Neal and N. S. Porter were put in charge of the task for the Sac and Fox Agency that had jurisdiction over the Citizen Potawatomi reservation.⁵⁶

Under the general provisions of the act of 1887, only the head of the family was entitled to 160 acres. Married women 21 years of age and older were not entitled to allotments at all, which contradicted the previous act of 1872. Children and minors under 18, not orphans, were only entitled to 40 acres. Indians were also not required to pay for their patents to these allotted tracts. Acting Commissioner D. L. Hawkins recommended that since the Absentee Shawnee had not been issued certificates under the act of 1872, allotments should be made to them under the act of 1887, which would afford them larger land holdings.⁵⁷ In comparison, the second provision of the act of 1872 would allow an Absentee Shawnee man, having a wife and four children, approximately 160 acres.⁵⁸ The Dawes Act provisions would allow the same Absentee Shawnee man to take an allotment of 160 acres and another 160 acres for his four children.⁵⁹ Benefiting only the Absentee Shawnee individual when compared to the act of 1872, the Citizen Potawatomi individual was not so fortunate. For example, under the act of 1872, both Potawatomi heads of a family, husband and wife, were each entitled to 160 acres and another 320 if they had four children. This would make the family aggregate equal to an entire section of land or 640 acres. Under the terms of the Dawes Act of 1887, the same Citizen Potawatomi family would lose 50 percent of their available land allotment since only one head of household could be issued an allotment. Likewise, Citizen Potawatomi children under the Dawes Act could only receive 40 acres where they were once entitled to 80. The only benefit of the act of 1887 to the Citizen Potawatomi was that individuals did not have to pay for allotments as was required under the act of 1872.⁶⁰

The Secretary of the Interior agreed to modify the general rules of the Dawes Act of 1887 to reflect the circumstances of the Citizen Potawatomi and Absentee Shawnee. To a very limited extent, the Citizen Potawatomi and Absentee both won because each head of a family could now receive a 160-acre allotment. Acting Commissioner A. B. Upshaw, via a letter dated August 10, 1887, set forth new rules for scheduling allotments to the Citizen Potawatomi and Absentee Shawnee. Upshaw wrote:

As certain conditions were imposed by the act of 1872 and it being evident the intention of the act of 1887 to give each Indian a separate allotment of land without cost and without conditions to cultivation, etc. the Secretary has decided that allotments shall be made to both tribes in quantity as provided in the general allotment act, viz:

To each head of a family, 160 acres;

To each single person over 18 years of age, 80 acres;

To each orphan child under 18 years of age, 80 acres; and to each other single person under 18 years of age, born prior to the President directing the allotments, 40 acres.

The joint occupation of this reservation by the two tribes or bands of Indians has long been a source of vexation to each, particularly the Absentee Shawnees, who have repeatedly requested a dividing line between them be established.

The line suggested is the Little River, the Potawatomis to be confined to the south side of said river and the Shawnees to the north side, and the allotments heretofore made have been upon that basis.

In making the allotments you will confine the choice of the Shawnees to the north side of said river and the Potawatomi to the south side, except that if any Indian has made substantial improvements upon the part of the reservation assigned to the tribe of which he is not a member he may be allowed to retain them and have the land allotted to him. He may also select land for his own minor children upon the side on which he is located.

(1) Subject to the above qualifications you will allow the Indians to select their lands, heads of families selecting for themselves, and their minor children.

(2) Selections for orphans will be made by [Special] Agent [N. S.] Porter and Agent Neal.

(3) Allotments should be made with reference to the best interest of the Indians, the choice portions of the reservation to be given them, and care taken to see that they have every possible advantage which the reservation affords.

(4) Every allotment should be distinctly marked with permanent monuments, and each allottee (of sufficient age) should be personally shown the boundaries of the allotment selected by him, so that he will understand exactly where the land lies, and every possible means be used to familiarize them with the boundaries.

(5) The tracts given to each allottee should be contiguous, if possible; but an allottee may be allowed to select a detached tract of timber land, if it be impracticable to include such land in a tract contiguous to the selection of farming land, or for the purpose of securing an equitable division of water privileges so that it may not be monopolized.

(6) Each Indian should be allowed to select his lands so as to retain improvements already made. Where land heretofore allotted is in possession of and improved by a person other than the original allottee you will allow such person to select said land.

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Where land heretofore allotted is not in the possession of any one, you will treat it as vacant, allowing the original allottee the preference right to select it if he so desires, and where a former allottee desires to select land other than that heretofore allotted him you will allow him to do so and regard the new selection as a surrender of his original allotment.

Where the improvements of two or more Indians have been made on the same legal subdivision of land, a provisional line should run dividing the land, between them, as provided in section two of the act, unless an arrangement can be made between them by which the tract can be given one of them. This arrangement must be satisfactory to all the parties.

(7) Indian women married to white men should be regarded as heads of families. The white husbands cannot take allotments.

In all cases where Indian women have been married to Indian husbands and have children born of such marriage but have been divorced from such husbands after the Indian custom, the mother should receive an allotment as the head of family, and should be allowed to select land for her children not under the charge of the father at the date of these instructions, if competent to do so.

(8) Where an Indian has a plurality of wives, the first wife should be regarded as the legal one, and the others allowed to take allotments as single persons.

Orphans are children who have lost both parents.

Should any question arise regarding the eleven allottees who have received their certificates, it will be considered hereafter.

You will prepare a separate schedule of the allotments made to each tribe, each family being grouped by itself, and the relationship of each member to the head shown in the column of remarks.

For the purpose of identification, the age as well as the sex of each allottee should be given if possible.

Both English and Indian names should be entered upon the schedule, and great pains taken to write the latter especially distinctly.

It will save much trouble in posting the allotments in the tract books if you can arrange them by sections and townships.

The law requires the schedule to be in duplicate.⁶¹

Shortly after the August 10, 1887, allotment rules were promulgated, Citizen Potawatomi Business Committee members A. B. Peltier, Battin Pambays, Stephen Neghanquet, and Joseph Moose, secretary of the Business Committee, wrote to President Grover Cleveland on November 26, 1887, complaining about the new provisions and unfairness to the members of the Citizen Potawatomi.⁶² Two days later on November 28, 1887, tribal member A. F. Navarre wrote to Commissioner Upshaw also objecting to the new allotment provisions.⁶³ First, he claimed that the third clause of the Dawes Act of 1887 confirmed the act of May 23, 1872, entitling the Citizen Potawatomi to more land and the selection of those lands *anywhere* within the reserve. Secondly, the Absentee Shawnee, under section two of the act of 1872, must show substantial improvements to entitle them to a home on the Citizen Potawatomi reserve. Adding support to Navarre's points, Special Agent Parsons in a report dated November 10, 1887, to Commissioner J. D. C. Atkins, contrasted the character and condition of the Absentee Shawnee and the Citizen

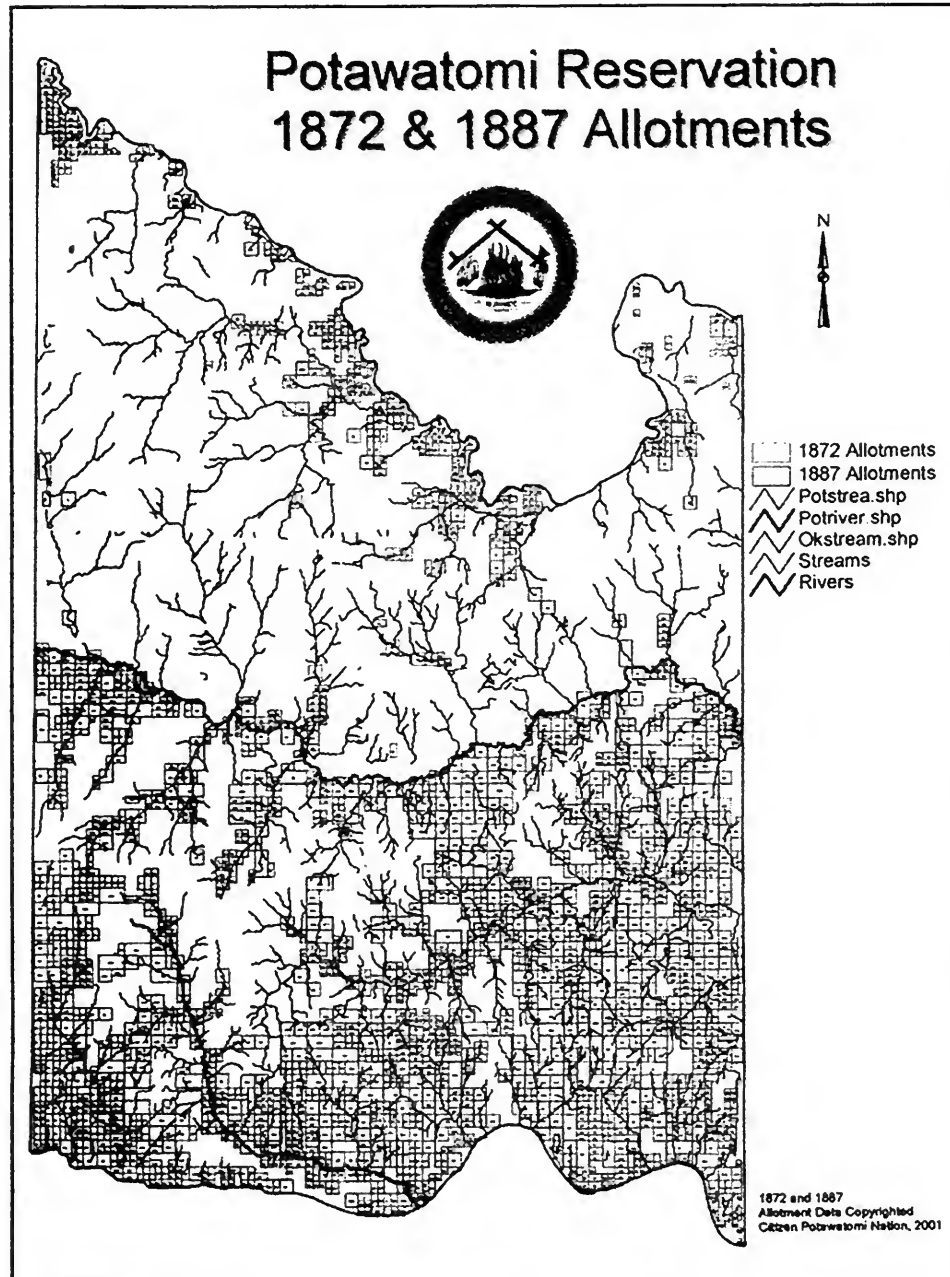


Figure 4a: Map of the Citizen Potawatomi Indian Territory Reservation with the 1872 and 1887 Citizen Potawatomi final allotment selections. Local agents made sure that the majority of Citizen Potawatomi would live south of the Little River. Courtesy of the Citizen Potawatomi Nation (2002).

Potawatomi: the contrast being favorable to the latter.⁶⁴ In other words, the Citizen Potawatomi people were not faring as well as the Absentee Shawnee who had better living conditions. Agent Parsons also indicated that it would be unfair to limit the selection of lands to the Citizen Potawatomi south of Little River since "the land to the north is far superior to that of the south." Additionally, Agent Parsons informed that few of the Citizen Potawatomi still living in Kansas would be willing to remove to the Indian Territory unless they were allowed to select lands north of Little River.⁶⁵ This may explain one reason why 100 Citizen Potawatomi held out to the very end before being forced from Kansas to the Indian Territory reservation to take allotments.

On December 28, 1887, Commissioner J. D. C. Atkins argued the merit of the Business Committee letter written on November 26, 1887.⁶⁶ According to his research, the Citizen Potawatomi were allotted lands in Kansas, made citizens, and paid their pro-rata share of the funds of the tribe. After they had sold their Kansas lands, they were allowed to select a tract of land in the Indian Territory. In his letter, Commissioner Atkins exclaimed, "In 15 years,

but 11 members have availed themselves" of taking individual land allotments under the provisions of the act of 1872.⁶⁷ This was not entirely the case, because in 1875, Commissioner Hawkins reported to the Secretary that 131 allotments had been made to members of the Citizen Potawatomi.⁶⁸ Tribal members had participated in the allotment process set in motion by the act of 1872 and had most likely become frustrated by the Agents' ineptitude. It was the government's fault for not issuing land certificates because of delays in the allotment scheduling and for not having the tracts properly surveyed and marked. In the end, Commissioner Atkins recommended that no other circumstances warranted the modification of the existing instructions governing the issuance of allotments under the act of 1887.

Not having completed the process of issuing allotments, Acting Commissioner R. V. Belt instructed Special Agent Porter to complete the allotment of lands under the instructions of August 10, 1887, in a communication dated April 23, 1889. According to Commissioner Morgan in a letter dated July 8, 1889, allotments made in the field in 1887 and 1888 were also

not approved.⁶⁹ Commissioner T. J. Morgan proceeded to ask the Secretary of the Interior to cancel the Presidential Order of May 24, 1887, authorizing allotments to the Citizen Potawatomi and Absentee Shawnee and reissue a new order to allow allotments to children born since the former order and to provide larger allotments to those children now over 18 years. On July 10, 1889, Secretary John Noble approved the cancellation of the May 24, 1887 order and granted a new authority.⁷⁰

Challenging the new allotment rules, in particular, the formal dividing line rallied by the Absentee Shawnee, Citizen Potawatomi tribal member, John Anderson, claimed in a July 18, 1889, letter that he was entitled, under the act of 1887, to the quantity of land specified in section one of the act of 1872. Furthermore, he was entitled to allotments under both acts, because both acts were still in effect. Moreover, if prior claims were disallowed, the act of 1872 was still in force, and he was entitled to the quantity of land set forth under act of 1872 anywhere within the reservation.⁷¹ In September of 1889, a legal brief was filed on behalf of Anderson supporting his allegations. Commissioner T. J. Morgan, having no grounds to argue since the act of 1872 had not been repealed by the act of 1887, informed Anderson that the Citizen Potawatomi could indeed take lands either under the act of 1872 or the act of 1887.⁷²

On December 5, 1889, Commissioner T. J. Morgan, in a letter to the Secretary, chronicled the problems with the Citizen Potawatomi in taking their allotments as stated by Agent Porter, "The Citizen Potawatomi are convinced that they should be allowed to take allotments wherever they so desire in the reservation regardless of the instructions or law." Agent Porter had requested that Commissioner Morgan send the military to protect the work of allotments, to uphold the law, and to enforce the Department's instructions since the Citizen Potawatomi were protesting the allotment process.⁷³ Rather than send the military, Commissioner T. J. Morgan recommended to the Secretary that the previous allotment instructions be modified to permit the Citizen Potawatomi to make selections under both acts anywhere in the southern portion of the reservation, adding an additional area north of the Little River containing four townships. Earlier on October 17, 1889, Agent Porter had forwarded a report, accompanied by a diagram of the reservation, suggesting that the Citizen Potawatomi be allowed to make selections within a tract in the northwest corner of the reservation containing nearly four townships, and extending nine and a half miles in the valley of the North Fork where tribal members had already settled.⁷⁴ A week later, Chief White Turkey of the Absentee Shawnee audaciously concurred with the proposed boundary, but only if it could be enforced.

On March 4, 1890, Commissioner T. J. Morgan wrote to the Secretary acknowledging the receipt of applications for land allotments to John Anderson under the provisions of the act of 1872. The Anderson family would be among the small handful of Citizen Potawatomi families that were issued land allotments under the earlier allotment provisions.⁷⁵ In fact, Anderson and his family purchased lands north of the Little River and contiguous to the Shawnee Agency School Reserve where he worked.

While north-south territorial battles ensued between the Citizen Potawatomi and Absentee Shawnee on the Potawatomi reserve in the final scheduling of allotments, other things of

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equal importance were happening in the Territory. On May 2, 1890, Congress passed the Oklahoma Territory Organic Act, providing for the organization of Oklahoma Territory. Settlement of the new Oklahoma Territory became paramount to the new legislation. Within two months and on June 25, 1890, an agreement was reached with the Citizen Potawatomi Tribe and the United States Cherokee Commission, also known as the Jerome Commission, to relinquish title to the surplus lands created from the allotment process for a sum of \$160,000 dollars, less attorney fees. The following day, on June 26, 1890, the Absentee Shawnee and the United States Cherokee Commission agreed that the Absentee Shawnee Tribe would relinquish its rights to the surplus lands of the Citizen Potawatomi reserve for a sum of \$65,000 dollars.⁷⁶ Later that year, a census was taken of the Citizen Potawatomi by tribal member Joseph Moose identifying the total number of Citizen Band to be 1,604. Of that number, only 500 were residing on the Citizen Potawatomi reservation.⁷⁷ Sac & Fox Indian Agent Samuel Patrick listed 480 Citizen Potawatomi in Oklahoma Territory during the same year.

Acknowledgment was received on October 2, 1890, that brothers John and Peter Anderson were among the first tribal members to make application for lands under the act of May 23, 1872. That same month, Acting Commissioner R. V. Belt wrote to Special Agent N. S. Porter at Burnett, Oklahoma Territory stating:

The rule confining the Potawatomi to the south side of Little River was made because, as the lands were given to them without cost, under the act of 1887, the Department has the right to impose conditions. Under the act of 1872, however, there is no restriction as to the portion of the reservation in which they shall take their allotments.⁷⁸

Later in February of 1891, the Senate resolved the problems with the Citizen Potawatomi instructions for allotments of land on their reservation to reflect "the rights of the Indians of said tribe to select lands upon said reservation according to their own view as to the desirability of location."⁷⁹ Unfortunately, the local Indian Agents in charge of scheduling the allotment selections did not enforce the Senate's decision and most Citizen Potawatomi allotments were confined to the southern portion of the reservation (Figure 4a-b). Between July 1890 and February 1891, an estimated 764 Citizen Potawatomi tribal members made their way from Kansas to Oklahoma Territory to participate in the allotment process. Keep in mind some entrepreneurial Citizen Potawatomi still owned 1861 allotments in fee simple in Kansas. Having integrated economically, those tribal members were still eligible to receive free allotment lands in Oklahoma. Perhaps the reason why so many Oklahoma allotments were sold within a few years was that tribal members needed cash for their established homes and businesses up in Kansas.

Of the 575,870 acres comprising the Citizen Potawatomi reservation in Oklahoma, approximately 199,448 acres were allotted to 1,364 Citizen Potawatomi tribal members under the modified terms of the Dawes Act. Under the terms of the allotment act of 1872, 138 Citizen Potawatomi tribal members purchased a total of 14,810 acres for an estimated \$18,068 dollars. An estimated 71,322 acres were allotted to 564 Absentee Shawnee.⁸⁰

On March 3, 1891, the Citizen Potawatomi ceded all of the tribal surplus land and title to

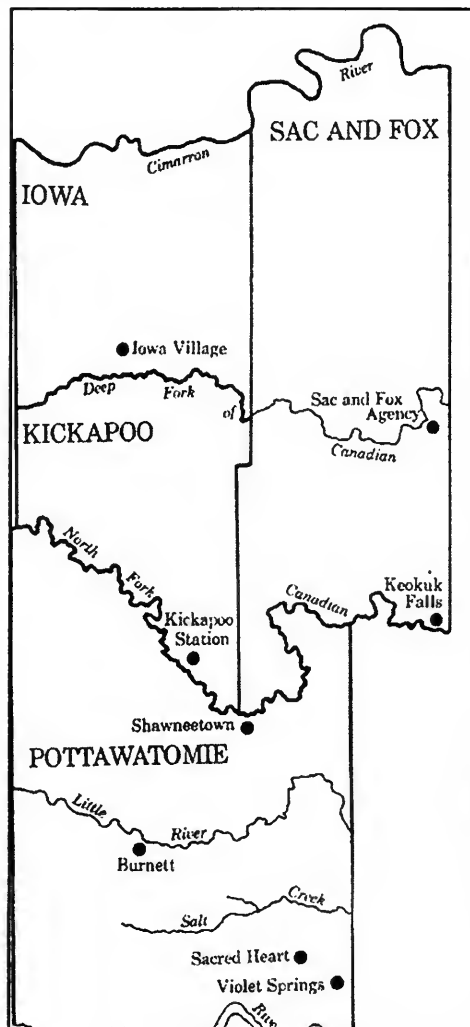


Figure 4b: Map of the Citizen Potawatomi Reservation in relation to the Iowa, Kickapoo, and Sac & Fox reservations in Oklahoma. Adapted from the Historical Atlas of Oklahoma (Morris 1986:49-50).

the 30-mile square tract of land.⁸¹ The act of 1891 also called for the confirmation of all individual allotments approved under all previous acts and treaties. In order to accomplish this, those Citizen Potawatomi who had sought refuge on the Prairie Potawatomi reserve in Kansas were forced to Oklahoma to take allotments.

The last influx of Citizen Potawatomi into Oklahoma Territory was carried out by the newly appointed Kansas Potawatomi Agent J. A. Scott two months before the final Presidential Proclamation of September 1891. Under escort by General George Custer's former outfit known as the Seventh Cavalry, over 100 Citizen Potawatomi were forced from Kansas to Oklahoma Territory for the express purpose of taking allotments.⁸² On September 18, 1891, President Benjamin Harrison approved all allotments having been issued to the Citizen Potawatomi and Absentee Shawnee and officially dissolved the reservation.⁸³ Of the original 575,870 acres comprising the Citizen Potawatomi reserve, 290,290 acres, or roughly fifty percent of the Citizen Potawatomi reservation, was opened to settlement in the Land Run of September 22, 1891. Subsequently 1,814 potential 160-acre homesteads became available.

On November 2, 1891, Commissioner T. J. Morgan, in a letter to Agent Patrick, advised that the act of March 3, 1891, ratifying the agreement recently made with the Citizen Potawatomi in Oklahoma Territory to dissolve the reserve, provided that lands acquired by the government were to be disposed of to actual settlers under the provisions of the homestead and town-site laws. He went on to inform that, "the Indians located upon public

lands may avail themselves of the privileges of the homestead laws as fully and to the same extent as citizens of the United States. Commissioner Morgan saw no reason why tribal members should not be allowed to make entry upon the ceded portion of the Potawatomi Country."⁸⁴ In other words, Citizen Potawatomi and Absentee Shawnee tribal members could participate in the Land Run to secure additional 160-acre homesteads at a cost of \$1.50 per acre.⁸⁵

In the original Allotment Schedules, a handful of anomalies exist which may be related to the Land Run. A small number of Citizen Potawatomi and Absentee Shawnee were assigned 320-acre allotments. Research uncovered for this paper may suggest that either tribal members acted upon Commissioner Morgan's 1889 directive that tribal members be allowed to make allotment selections under both the 1872 and 1887 acts or tribal members made the Land Run and were able to secure an additional 160-acre homestead tract adjacent to their existing allotment. This particular subject warrants further investigation.

In hindsight, the federal government's lack of understanding of tribal sovereignty and lack of honor created and perpetuated animosity between the Citizen Potawatomi Nation and Absentee Shawnee Tribe. Today, the Citizen Potawatomi continues to battle its next door neighbor, the Absentee Shawnee, over economic development and land issues. Although the intent of the allotment act of 1872 was under the guise of providing "justice" for both tribes, it actually created an inexcusable situation for the Citizen Potawatomi. Clearly, the treaty of 1867 gave the Citizen Potawatomi "exclusive use and occupancy" of its Indian Territory reservation. The 900 square-mile tract of land was the Citizen Potawatomi's last hope after ceding almost 10 million acres in its former homeland and being removed from one state to the other beginning in the late 1700's. When the Citizen Potawatomi finally arrived in Indian Territory, they not only had to battle the federal government over their legitimacy, they also had to battle their own Great Lakes brethren over their land. The Bureau of Indian Affairs, on a local and regional level, has allowed the Absentee Shawnee to assert joint claim over the Potawatomi reservation for the last 135 years. The Absentee Shawnee made incredible demands on land allotments to the Citizen Potawatomi and continues to challenge the Citizen Potawatomi for financial resources. In the present, the external battle over which tribe has jurisdictional rights over the reservation rages on between the Citizen Potawatomi Nation and other federal agencies despite a 1998 court ruling in favor of the Citizen Potawatomi "never having shared a reservation" with the Absentee Shawnee.⁸⁶ However, this has not silenced the issue. The Absentee Shawnee are currently appealing to the Interior Board of Contract Appeals for \$65,000 annually in damages caused by this decision. Ironically, the Absentee Shawnee Tribe received the same amount of money in 1891 from the sale of surplus lands on the Potawatomi's reserve. This money rightfully belonged to the Citizen Potawatomi. After all, individual Citizen Potawatomi members paid for the reservation in its entirety from the sale of their Kansas lands and were forced to pay the rent for the Absentee Shawnee. The Absentee Shawnee Tribe had opportunities to receive reservation lands in the Indian Territory and cash from surplus lands in Kansas but chose not to. Instead, and like the federal government, the Absentee Shawnee helped diminish the last natural resources of the Citizen

Potawatomi people. It is no wonder that these two Nations continue to be at political odds after 135 years. Perhaps this historical account will shed some light on the underlying land and jurisdictional issues that face our contemporary leaders.

Lisa Kraft is the Grants and Contracts Coordinator in the Office of Self Governance. Mrs. Kraft co-founded the Office of Self Governance in 1997 and has been on the front line of the conflict between the Citizen Potawatomi Nation and Absentee Shawnee Tribe. A Citizen Potawatomi tribal member and descendant of the O'Connor, Peltier, Ogee, and Weld families, Mrs. Kraft resigned her position in February to write her thesis and graduate with a master's degree in history this December. Mrs. Kraft already has a bachelor's degree in anthropology from the University of Oklahoma.

The Citizen Potawatomi Nation Tribal Archives sells copies of the original Allotment Schedules for \$50. Proceeds help fund new book purchases. Customized family allotment maps are also available from \$35 to \$60. For orders contact Tribal Rolls.

Endnotes

¹ H. Price to E. B. Townsend, April 11, 1883, *Pottawatomie Indians, October 18, 1866 - December 5, 1895*. Indian History, Culture and Acculturation, Sac and Fox-Shawnee Agency, Archives and Manuscript Division, Oklahoma Historical Society, 160. The Oklahoma Historical Society Archives and Manuscript Division is hereafter cited as OHSAMD; Although the Bureau of American Ethnology reports over 60 derivations of the spelling of Potawatomi, the Citizen Potawatomi Nation accepts the spelling of Potawatomi with a single "t" and no "e."

² "An Act to Provide Homes for the Pottawatomie and Absentee Shawnee Indians in the Indian Territory," May 23, 1872, 17 Stat., 159, Charles J. Kappler, ed., *Indian Affairs: Laws and Treaties*, Vol. IV (Washington, DC: United States Government Printing Office, 1929), 946.

³ James A. Clifton, *The Prairie People: Continuity and Change in Potawatomi Indian Culture, 1665-1965* (Iowa City: University of Iowa Press, 1998), Expanded ed., xv. In all, the Potawatomi entered into 50 separate treaties and contracts with the United States and Great Britain. They signed their first treaty in 1789. The (Citizen) Potawatomi signed the last treaty in 1867 to establish its exclusive reservation in Indian Territory; Charles C. Royce, "Indian Land Cessions in the United States," *Eighteenth Annual Report of the Bureau of American Ethnology, 1896-1897* (Washington, DC: United States Government Printing Office, 1899), 750-766.

⁴ Treaty with the Potawatomi, November 15, 1861, 12 Stat., 1191, Charles J. Kappler, ed., *Indian Affairs: Laws and Treaties*, Vol. II, 2d. ed., (Washington, DC: United States Government Printing Office, 1975), 824-828; For additional information on the origins of the Citizen Potawatomi please refer to Joseph Francis Murphy, "Potawatomi of the West: Origins of the Citizen Band" (Ph.D. diss., University of Oklahoma, 1961). The Citizen Potawatomi Nation privately published Father Murphy's dissertation in 1994.

⁵ Those Potawatomi who chose to live communally became recognized as the "prairie" band of Potawatomi.

⁶ Treaty of 1861, art. 4.

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⁷ Treaty with the Potawatomi, 1861, art. 3.
⁸ Treaty of 1861, art. 3.

⁹ Members of the Citizen Potawatomi were originally labeled the "mission" band of Potawatomi because they retained their Catholic religious practices and were under constant tutelage by Jesuit missionaries. Mission band became synonymous with Citizen band as individual members took allotments and United States citizenship under the terms of the act of 1861, hence "citizen" band. Earlier on the Osage and Kansas reserves, the "christianized" Potawatomi were distinguishable from the Prairie band that chose to hold their lands in common under the same act. See Murphy, 62.

¹⁰ Joseph B. Herring, *The Enduring Indians of Kansas: A Century and a Half of Acculturation* (Lawrence: University of Kansas Press, 1990), 130.

¹¹ Treaty with the Potawatomi, 1861.

¹² Treaty with the Potawatomi, March 29, 1866, 14 Stat., 763, Charles J. Kappler, ed., *Indian Affairs: Laws and Treaties*, Vol. II, 2d. ed. (Washington, DC: United States Government Printing Office, 1975), 916. The treaty was ratified on April 23, 1866 and proclaimed on May 5, 1866.

¹³ John Anderson, Jacob Johnson, and others (Young signing as Secretary) to J. Q. Smith, November 6, 1876, Letter Received, Sac and Fox-Shawnee Agency file, 1876, OHSAMD. As quoted in Murphy, page 263.

¹⁴ Craig Miner and William Unrau, *The End of Kansas: A Study of Cultural Revolution, 1854-1871* (Lawrence: University of Kansas Press, 1990), 134.

¹⁵ Murphy, 170.

¹⁶ Treaty with the Potawatomi, 1861, art. 8.

¹⁷ Treaty with the Potawatomi, February 27, 1867, 15 Stat., 531, Charles J. Kappler, ed., *Indian Affairs: Laws and Treaties*, Vol. II, 2d. ed. (Washington, DC: United States Government Printing Office, 1975), 970-974. The treaty of 1867 was ratified on July 25, 1868 and proclaimed on August 7, 1868.

¹⁸ Treaty with the Potawatomi, 1867, art. 4.

¹⁹ Craig Miner and William Unrau, *The End of Kansas: A Study of Cultural Revolution, 1854-1871* (Lawrence: University of Kansas Press, 1990), 88-89.

²⁰ Joseph B. Herring, *The Enduring Indians of Kansas: A Century and a Half of Acculturation* (Lawrence: University of Kansas Press, 1990), 130.

²¹ Congress, House of Representatives, *Report on the Pottawatomie and Absentee Shawnee Indians*, 51st Cong., 2d sess., 1891, H.r.p. 3481, Serial Set 2887, 1.

²² Treaty with the Potawatomi, 1867, art. 2.

²³ Treaty with the Potawatomi, 1867.

²⁴ Treaty with the Potawatomi, 1867, art. 1.

²⁵ Berlin B. Chapman, "The Pottawatomie and Absentee Shawnee Reservation," *Chronicles of Oklahoma* 24 (Fall 1946), 301-302.

²⁶ Craig Miner and William Unrau, *The End of Kansas: A Study of Cultural Revolution, 1854-1871* (Lawrence: University of Kansas Press, 1990), 92-93.

²⁷ Berlin B. Chapman, "The Pottawatomie and Absentee Shawnee Reservation," *Chronicles of Oklahoma* 24 (Fall 1946), 301-302.

²⁸ Ibid., 302.

²⁹ Arrell Morgan Gibson, *America's Exiles: Indian Colonization in Oklahoma*, Vol. 3, *The Oklahoma Series* (Oklahoma City: Oklahoma Historical Society, 1982), 119-120.

³⁰ Royce, 844-845.

³¹ In discussing the Indian Territory reservation, 30-mile square and 900 square-

mile are used interchangeably. The reservation is roughly 30 miles by 30 miles or equivalent to 900 square miles.

³² D. L. Hawkins to John Noble, February 25, 1891, Congress, Senate, *Letter from the Secretary of the Interior in Response to Resolution of February 14, 1891, Information Relative to Instructions Touching Allotments of Land on the Pottawatomie Reservation*, 51st Cong., 2d sess., 1891, Ex.doc. 64, Serial Set 2818, 3.

³³ Marilyn Miller and Marian Faux, Editors, *The New York Public Library American History Desk Reference*, (New York City: Simon and Schuster Macmillian Company, 1997), 22.

³⁴ E. S. Parker to C. Delano, February 10, 1871, Congress, House of Representatives, *An Appropriation for the Benefit of the Pottawatomie Indians*, 41st Cong., 3d sess., 1871, Ex.doc. 133, Serial Set 1460.

³⁵ *Annual Report of the Commissioner of Indian Affairs* (Washington, DC: United States Government Printing Office, 1829-1908), 1871, 494.

³⁶ D. L. Hawkins to John W. Noble, February 25, 1891, Congress, Senate, *Letter from the Secretary of the Interior in Response to Resolution of February 14, 1891, Information Relative to Instructions Touching Allotments of Land on the Pottawatomie Reservation*, 51st Cong., 2d sess., 1891, Ex.doc. 64, Serial Set 2818, 3.

³⁷ Ibid., 3.

³⁸ H. Price to H. M. Teller, May 7, 1884, Congress, Senate, *In Answer to Senate Resolution of December 3, 1884, Report Relative to the Leasing of Indian Lands in the Indian Territory*, 48th Cong., 2d sess., 1885, Ex.doc 17, Serial Set 2261, 47-50.

³⁹ Ibid., 48. In a letter dated March 15, 1872.

⁴⁰ Act of May 23, 1872, 17 Stat., Charles J. Kappler, ed., *Indian Affairs: Laws and Treaties*, Vol. IV (Washington, DC: United States Government Printing Office, 1929), 946.

⁴¹ Ibid. Provision one of the Act entitled members of the Citizen Potawatomi Nation, as heads of household and to each member 21 years of age, not more than one-quarter section or 160 acres, and to each minor not more than 80 acres. Married women over 21 were entitled to no more than 160 acres. The second provision of the act was specifically penned for the Absentee Shawnee allowing 80 acres to the head of the family and persons 21 years of age and older and to each minor 20 acres. However, the Absentee Shawnee were not required to purchase their allotments, only the Citizen Potawatomi allottees.

⁴² H. Price to H. M. Teller, May 7, 1884, Congress, Senate, *In Answer to Senate Resolution of December 3, 1884, Report Relative to the Leasing of Indian Lands in the Indian Territory*, 48th Cong., 2d sess., 1885, Ex.doc 17, Serial Set 2261, 49.

⁴³ D. L. Hawkins to John Noble, May 17, 1887, Congress, Senate, *Letter from the Secretary of the Interior in Response to Resolution of February 14, 1891, Information Relative to Instructions Touching Allotments of Land on the Pottawatomie Reservation*, 51st Cong., 2d sess., 1891, Ex.doc. 64, Serial Set 2818, 4.

⁴⁴ H. Price to H. M. Teller, May 7, 1884, Ex.doc. 17 (48-2), 885, 49.

⁴⁵ A. B. Upshaw to N. S. Porter, August 10, 1887, Ex.doc. 64 (51-2), 1891, 6-7.

⁴⁶ H. Price to H. M. Teller, May 7, 1884, Ex.doc. 17 (48-2), 1885, 49.

⁴⁷ H. Price to E. B. Townsend, April 11, 1883, *Pottawatomie Indians, October 18, 1866 - December 5, 1895*, Indian History, Culture and Acculturation, Sac and Fox-Shawnee Agency, OHSAMD, p. 160.

⁴⁸ D. L. Hawkins to John Noble, May 17, 1887, Ex.doc. 64 (51-2), 1891, 2; H. Price to H. M. Teller, May 7, 1884, Ex.doc. 17 (48-2), 1885, 49.

⁴⁹ H. Price to H. M. Teller, May 7, 1884, Ex.doc. 17 (48-2), 1885, 50.

⁵⁰ D. L. Hawkins to John Noble, May 17, 1887, Ex.doc. 64 (51-2), 1891, 3.

⁵¹ H. Price to A. F. Navarre and John Anderson, February 26, 1884, Congress, House of Representatives, 1884, 48th Cong., 1st sess., H.r.p. 1956, Serial Set 2259, 4.

⁵² D. L. Hawkins to John Noble, May 17, 1887, Ex.doc. 64 (51-2), 1891, 3.

⁵³ Francis Paul Prucha, ed. *Documents of United States Indian Policy*, 2d, (Lincoln: University of Nebraska Press, 1990), 171-174. The General Allotment Act of February 8, 1887 is referenced as *U.S. Statutes at Large*, 24: 388-391. The General Allotment Act is also commonly referred to as the Dawes Act signed into law by President Grover Cleveland.

⁵⁴ Ibid.

⁵⁵ D. L. Hawkins to John Noble, May 17, 1887, Ex.doc. 64 (51-2), 1891, 4. There is a discrepancy in total tillable acres of the Citizen Potawatomi reserve. In a letter from the Secretary of the Interior L. Q. C. Lamar to President Grover Cleveland on May 23, 1887, Lamar indicates that there are 125,000 tillable acres. See Ex.doc. 64 (51-2), 1891, 5.

⁵⁶ A. B. Upshaw to N. S. Porter, August 10, 1887, Ex.doc. 64 (51-2), 1891, 6.

⁵⁷ D. L. Hawkins to John Noble, May 17, 1887, Ex.doc. 64 (51-2), 1891, 4.

⁵⁸ "An Act to Provide Homes for the Pottawatomie and Absentee Shawnee Indians in the Indian Territory," May 23, 1872, 17 Stat., 159, Charles J. Kappler, ed., *Indian Affairs: Laws and Treaties*, Vol. IV (Washington, DC: United States Government Printing Office, 1929), 946. The second provision allowed for eighty acres for only one head of household and 20 acres for each child.

⁵⁹ Francis Paul Prucha, ed. *Documents of United States Indian Policy*, 2d, (Lincoln: University of Nebraska Press, 1990), 171-174. The General Allotment Act of February 8, 1887 is referenced as *U.S. Statutes at Large*, 24: 388-391. Forty acres per child.

⁶⁰ Francis Paul Prucha, ed. *Documents of United States Indian Policy*, 2d, (Lincoln: University of Nebraska Press, 1990), 171-174; "An Act to Provide Homes for the Pottawatomie and Absentee Shawnee Indians in the Indian Territory," May 23, 1872, 17 Stat., 159, 946; Charles J. Kappler, ed., *Indian Affairs: Laws and Treaties*, Vol. IV (Washington, DC: United States Government Printing Office, 1929), 946. The first section entitled each head of the family 160 acres and to each minor, eighty acres.

⁶¹ A. B. Upshaw to N. S. Porter, August 10, 1887, Ex.doc. 64 (51-2), 1891, 6-8.

⁶² J. D. C. Atkins to L. Q. C. Lamar, December 28, 1887, Ex.doc. 64 (51-2), 1891, 10.

⁶³ A. F. Navarre to A. B. Upshaw, November 28, 1887, Ex.doc. 64 (51-2), 1891, 9.

⁶⁴ Ibid., 9.

⁶⁵ T. J. Morgan to John Noble, December 5, 1889, Ex.doc. 64 (51-2), 1891, 13.

⁶⁶ J. D. C. Atkins to L. Q. C. Lamar, December 28, 1887, Ex.doc. 64 (51-2), 1891, 9-10.

⁶⁷ Ibid., 10.

⁶⁸ A. B. Upshaw to N. S. Porter, August 10, 1887, Ex.doc. 64 (51-2), 1891, 6-7.

⁶⁹ T. J. Morgan to John Noble, July 8, 1889, Ex.doc. 64 (51-2), 1891, 11.

⁷⁰ John Noble to Benjamin Harrison, July 10, 1889, Ex.doc. 64 (51-2), 1891, 12.

⁷¹ T. J. Morgan to John Noble, March 4, 1890, Ex.doc. 64 (51-2), 1891, 15.

⁷² Ibid., 16.

⁷³ T. J. Morgan to John Noble, December 5, 1889, Ex.doc. 64 (51-2), 1891, 13.

⁷⁴ Ibid.

⁷⁵ Citizen Potawatomi Indian Allotments under Act of 1872, n.d. Although Agents Moses Neal and N. S. Porter were originally put in charge of scheduling allotments in 1887, references are also made to an Agent Porter, Agent Parsons, and Agent Patrick as all working towards allotting lands under their Agency appointments. A notation in the back of the 1887 allotment schedule reminds the recorder that the "Dept. counts Indian ages from July 12, 1889." This confirms the date approved by Secretary John Noble in allotting land to children born since the May 24, 1887 presidential order initially authorizing allotments to the Citizen Potawatomi. In all, 134 Citizen Potawatomi tribal members were assigned allotments under the terms of the act of 1872. Certificate numbers 2 through 7 and 15 through 17 are skipped in the schedule and no assignment was made for number 137. The 1872 schedule incorrectly reports 144 certificates.

⁷⁶ Congress, House of Representatives, *Report on the Pottawatomie and Absentee Shawnee Indians*, 51st Cong., 2d sess., 1891, H.r.p. 3481, Serial Set 2887, 1.

⁷⁷ Murphy, 306.

⁷⁸ R. V. Belt to N. S. Porter, October 28, 1890, Ex.doc. 64 (51-2), 1891, 20-21.

⁷⁹ John Noble to President of the Senate, February 26, 1891, Ex.doc 64 (51-2), 1891, 1.

⁸⁰ The Citizen Potawatomi Nation Archives contain one of the two original schedules of allotments that were prepared under the August 10, 1887 allotment provisions. Listed within the pages are the "Citizen Pottawatomie Indian Allotments under Act of 1887," "Citizen Potawatomi Indian Allotments under Act of 1872," and "Absentee Shawnee Indian Allotments under Act of 1887." Interestingly, microfilmed Allotment or Estate Records obtained from Tribal Rolls contains at least 8 allotment records showing allotments being approved in 1904, 1905, and as late as 1911, all after the reservation had been dissolved.

⁸¹ Act of March 3, 1891, 23 Stat., 372, Charles J. Kappler, ed., *Indian Affairs: Laws and Treaties*, Vol. I, 2d. ed. (Washington, DC: United States Government Printing Office, 1904), 407-415.

⁸² Joseph B. Herring, *The Enduring Indians of Kansas: A Century and a Half of Acculturation* (Lawrence: University of Kansas Press, 1990), 141.

⁸³ By the President of the United States: A Proclamation, September 18, 1891, 27 Stat., 989, Charles J. Kappler, ed., *Indian Affairs: Laws and Treaties*, Vol. I, 2d. ed. (Washington, DC: United States Government Printing Office, 1904), 949-953.

⁸⁴ T. J. Morgan to S. L. Patrick, November 2, 1891, *Pottawatomie Indians, October 18, 1866 - December 5, 1895*, Indian History, Culture and Acculturation, Sac and Fox-Shawnee Agency, OHSAMD, 264-266.

⁸⁵ Act of March 3, 1891, 26 Stat., 989-1044, section 16 (italics in original). Also see Presidential Proclamation of September 18, 1891, 27 Stat., 989.

⁸⁶ United States Court of Appeals, Tenth Circuit, "Citizen Band Potawatomi Indian Tribe of Oklahoma v. L. W. Collier and the Absentee Shawnee Tribe of Oklahoma," Docket Number CIV-92-2161-R (1998 WL 220093 (10th Cir. (Okla.))); *Citizen Band of Potawatomi Indians of Oklahoma v. United States*, 6 I. C. C. 646, (September 18, 1958), 663-65.



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